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## **1 — EPA: Lead, arsenic levels soared in hours after spill, Albq Journal, 8/14/2015**

<http://www.abqjournal.com/628167/news/epa-lead-arsenic-levels-soared-in-hours-after-spill.html>

River-water testing released Thursday showed soaring levels of lead, arsenic, cadmium and other heavy metals when the sickly-yellow Gold King Mine plume of waste first flowed through Colorado and into New Mexico and Utah last week. The metals far exceeded government exposure limits for aquatic life and humans in the hours after the Aug. 5 spill, which sent 3 million gallons of wastewater through three Western states and the Navajo Nation.

## **2 — EPA denies pressuring Navajos into waiving rights to future payments in river disaster, Washington Post, 8/12/2015**

<http://www.washingtontimes.com/news/2015/aug/13/epa-denies-navajo-pressure-to-waive-rights-to-futu/?page=1>

EPA administrator Gina McCarthy moved to mend fences Thursday with Navajo Nation as the agency denied accusations that it tried to force Indians to waive their rights to future claims stemming from the Gold King Mine blowout. In a statement Thursday, the EPA described as "inaccurate" comments by Navajo President Russell Begaye, who told The Washington Times and other press this week that EPA workers were going door to door on his reservation asking residents to sign claim forms appearing to waive future rights for payments now.

## **3 — By the numbers: The massive toll of the Animas River spill, CNN, 8/13/2015**

<http://www.cnn.com/2015/08/13/us/animas-river-spill-by-the-numbers/index.html>

The environmental crew had one job: pump out and treat contaminated water at the Gold King Mine in southern Colorado. Instead, when the workers for the Environmental Protection Agency used heavy equipment to enter the defunct mine on August 5, 2015, a leak sprung. A massive one.

## **4 — EPA Criticized For Slow Response To Wastewater Spill In Colorado, NPR, 8/12/2015**

[http://www.npr.org/2015/08/13/432036020/epa-criticized-for-slow-response-to-wastewater-spill-in-colorado?utm\\_medium=RSS&utm\\_campaign=environment](http://www.npr.org/2015/08/13/432036020/epa-criticized-for-slow-response-to-wastewater-spill-in-colorado?utm_medium=RSS&utm_campaign=environment)

The Environmental Protection Agency and multiple western states are dealing with the spill into Colorado's Animas River. It was triggered by a crew of EPA contractors working at the Gold King Mine.

## **5 — EPA chief Gina McCarthy says water quality in Animas back to "pre-event conditions", Denver Post, 8/12/2015**

[http://www.denverpost.com/news/ci\\_28627376/epa-chief-gina-mccarthy-durango-wednesday-see-animas?source=hot-topic-bar](http://www.denverpost.com/news/ci_28627376/epa-chief-gina-mccarthy-durango-wednesday-see-animas?source=hot-topic-bar)

Seven days after her agency's massive mine wastewater spill into a major southwest watershed, the head of the Environmental Protection Agency said water quality in the Animas River through La Plata County has "returned to pre-event conditions." Administrator Gina McCarthy, in a boots-on-the-ground appearance Wednesday in Durango that's expected to continue Thursday in Farmington, N.M., called the Aug. 5 incident "heartbreaking" and said the EPA "couldn't be more sorry."

## **6 — EPA says Animas River on the mend after toxic spill, USA Today, 8/13/2015**

<http://www.usatoday.com/videos/news/2015/08/13/31609051/>

The water in the Animas River in Durango, Colorado is on the mend, according to the state health department and the EPA. Authorities are so confident the water is improving, they gave Durango the go-ahead to begin pulling water for customer use.

### **7 – Will EPA have to pay for polluting river?, CNN, 8/13/2015**

<http://www.cnn.com/2015/08/13/opinions/cevallos-animas-river-liability/index.html>

Recently while the Environmental Protection Agency was excavating a mine near Silverton, Colorado, to clean up the polluted water releases from the mine, a contractor working for the EPA let loose 3 million gallons of contaminated water from the mine into a tributary of the Animas River. That's right. EPA was there to help fix the water, and instead ended up contaminating a lot more water.

### **8 — Mine-waste risks to linger, experts say, Arkansas Online, 8/13/2015**

<http://www.arkansasonline.com/news/2015/aug/13/mine-waste-risks-to-linger-experts-say-/?f=news-national>

The toxic waste gushing from a Colorado mine and threatening downstream water supplies in at least three states will continue to be dangerous whenever contaminated sediments get stirred up from the river bottom, authorities said Wednesday. The immediate effect of the 3 million-gallon spill is easing as the orange-tinted contamination plume becomes more diluted on its way into Lake Powell along the Utah-Arizona border.

### **9 — Navajo Nation president urges residents not to use EPA form for claims, Abq Journal, 8/13/2015**

<http://www.abqjournal.com/627644/news/navajo-nation-president-urges-residents-not-to-use-epa-form-for-claims.html>

Navajo Nation President Russell Begaye has warned tribal residents to avoid using the U.S. Environmental Protection Agency's form for claims of damage or injury as a result of the Gold King Mine spill. In the president's Wednesday directive Navajo Nation Attorney General Ethel Branch advised that the federal form "contains offending language that will waive future claims for individuals that sign the form and preclude our people from seeking full compensation for injuries suffered from the spill."

### **10 — EPA head meets with Navajo president over Colorado mine spill, Reuters, 8/13/2015**

<http://www.reuters.com/article/2015/08/13/us-usa-colorado-spill-idUSKCN0QI2K920150813>

The head of the U.S. Environmental Protection agency told the Navajo Nation president on Thursday that her agency would work closely with the Native American tribe in handling a toxic waste spill into river waters from a defunct Colorado gold mine.

### **11 — Plume was full of heavy metals, Ark. Online, 8/14/2015**

<http://www.arkansasonline.com/news/2015/aug/14/epa-river-toxic-after-mine-spill-201508/>

The U.S. Environmental Protection Agency announced Thursday that surface-water testing revealed very high levels of lead, arsenic, cadmium and other heavy metals as a sickly-yellow plume of mine waste flowed through Colorado. In the hours after the Aug. 5 spill -- which sent 3 million gallons of wastewater through three Western states and the Navajo Nation -- amounts of the metals far exceeded government exposure limits for aquatic life and humans.

### **12 — River disaster a long time in the making, Abq Journal, 8/12/2015**

<http://www.abqjournal.com/628147/opinion/river-disaster-a-long-time-in-the-making.html>

The mustard-colored water flowing down the Animas River in southwestern Colorado is a painful reminder of the lengthy gestation time of environmental disasters. The ugly surge was unleashed last week by an EPA contractor, which unwittingly breached a dike that allowed contaminated water from the Gold King Mine to flood into Cement Creek, a tributary of the Animas River. Images from the polluted river as it flowed downstream through the town of Durango were appalling and the story became a media sensation.

### **13 — Readers React: Don't trust the EPA on the Animas River spill, Los Angeles Times, 8/13/2015**

<http://www.latimes.com/opinion/readersreact/la-le-0813-thursday-animas-river-spill-20150813-story.html>

The U.S. Environmental Protection Agency's words of reassurance and comfort after the Colorado mine spill into the Animas and San Juan rivers should not be trusted. Those placating words do not have the historical ring of truth. ("States downstream from contaminated river upset that EPA didn't alert them," Aug. 11)

**14 EPA: Water quality returning to normal after Colo. Spill, USA Today, 8/14/15**

<http://www.usatoday.com/story/news/nation/2015/08/13/epa-water-quality-returning-normal-after-colo-spill/31677077/>

Water quality tests on the Animas River in Colorado indicate heavy metal levels are returning to normal after a spill last week released 3 million gallons of contaminated mine wastewater into the river, officials said. The Environmental Protection Agency samples were analyzed for 24 different metals commonly found in mine waste, including arsenic, cadmium, lead and mercury.

**15 Animas River spill: Hurdles remain at Gold King, Denver Post, 8/14/15**

[http://www.denverpost.com/environment/ci\\_28638259/hurdles-remain-at-gold-king](http://www.denverpost.com/environment/ci_28638259/hurdles-remain-at-gold-king)

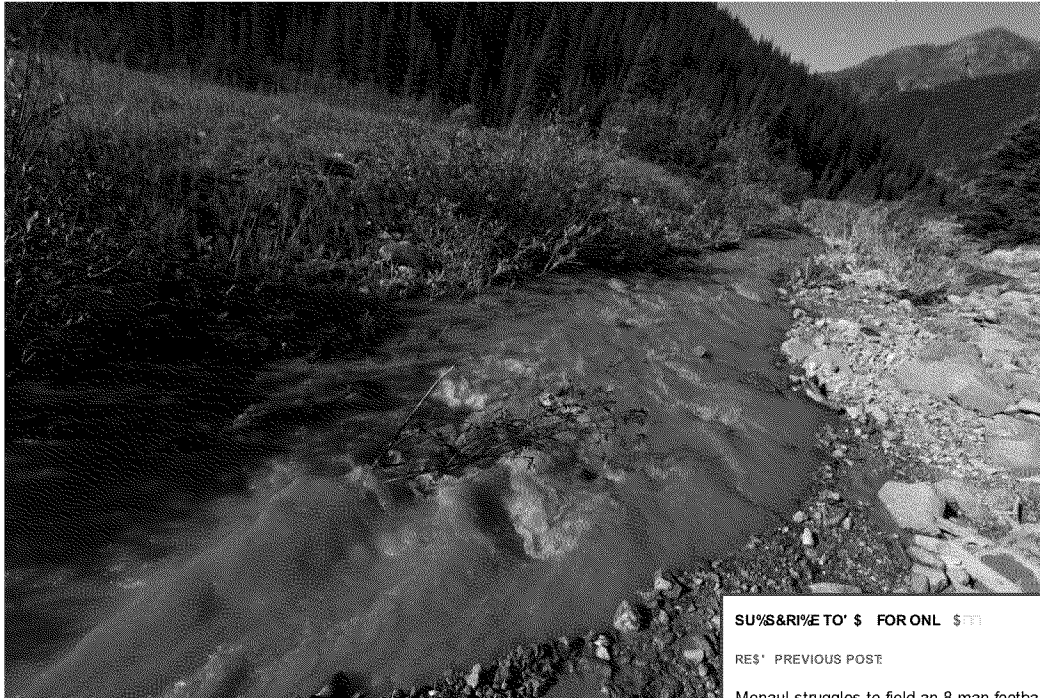
Orange wastewater cascaded from the Gold King Mine on Thursday as heavy machinery echoed, digging a new waste pond. Workers tossed chemicals into four existing ponds lined with plastic while Environmental Protection Agency responders walked around the cleanup site, now complete with portable toilets, a command post and pickup trucks moving in and out.

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# EPA: Lead, arsenic levels soared in hours after spill

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Water flows down Cement Creek on Thursday just below the site of the blow out at the Gold King mine, which triggered a major spill of toxic wastewater, outside Silverton, Colo. (Brennan Linsley/The Associated Press)

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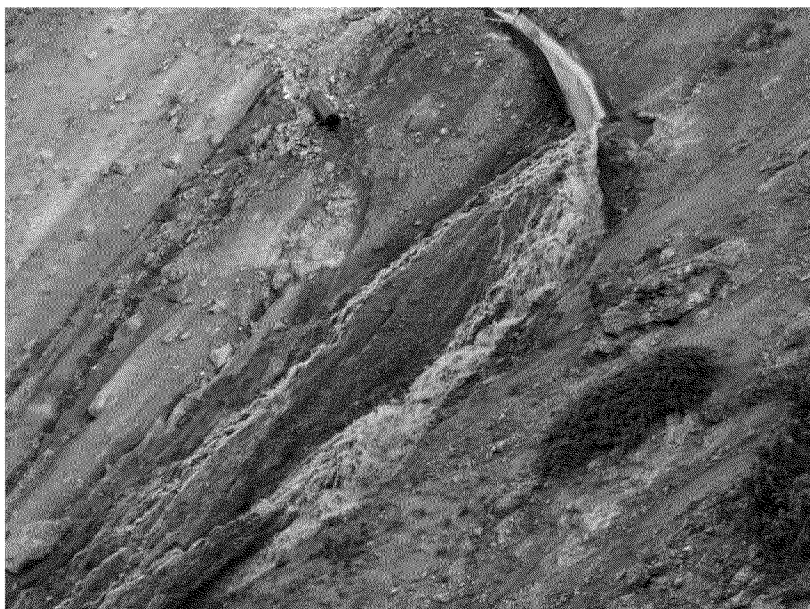
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By Journal and Wire Report  
PUBLISHED: Friday, August 14, 2015 at 12:05 am



Initial well tests good, but uncertainty remains

Wastewater flows from a trough and down a steep ravine at the site of the blow out at the Gold King mine which triggered a major spill of toxic wastewater, outside Silverton, Colo., Thursday, Aug. 13, 2015. It will take years, if not decades, and many millions of dollars to clean up and manage the toxic wastewater from a this Colorado mine that unleashed a 100-mile-long torrent of heavy metals, affecting the livelihoods of residents in three states, according to some experts. (AP Photo/Brennan Linsley)

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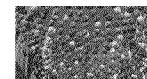


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River-water testing released Thursday showed soaring levels of lead, arsenic, cadmium and other heavy metals when the sickly-yellow Gold King Mine plume of waste first flowed through Colorado and into New Mexico and Utah last week.

The metals far exceeded government exposure limits for aquatic life and humans in the hours after the Aug. 5 spill, which sent 3 million gallons of wastewater through three Western states and the Navajo Nation.

Lead was 3,580 times higher than federal standards for human drinking and arsenic 823 times the level for human ingestion.

The Environmental Protection Agency, which released the results under increasing political pressure, also said its analysis shows the heavy metals quickly returned to "pre-event levels" once the plume passed through the area tested, on the Animas River between Silverton, Colo., and the downstream municipal water intake for Durango.

No EPA results for the Animas and San Juan rivers in New Mexico were available yet, but preliminary data for the first few days after the spill from Farmington and state Environment Department testing showed unsafe levels of lead.

EPA chief Gina McCarthy, in Farmington on Thursday, told local, state and tribal officials that the improving results show the river is "restoring itself."

"It gives us a sense that we are on a different trajectory than we were before, but clearly we need to continue to work, not just short term, to look at every segment of the river moving forward," McCarthy told the Farmington Daily Times.

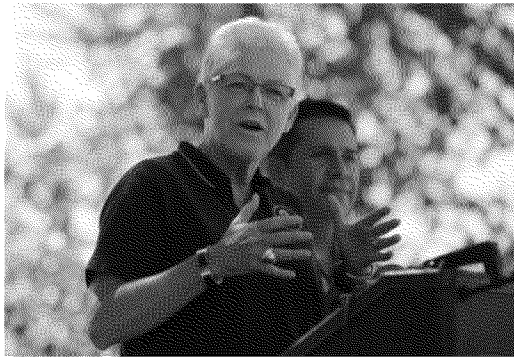
She also announced that the EPA has released \$500,000 to help supply clean water for crop irrigation and livestock in northwestern New Mexico because farmers and ranchers there have no access to river water and it's unknown when they will.

And St. Mary's Food Bank Alliance is donating 200,000 bottles of water to Navajo communities. The shipment is expected to arrive today.

McCarthy acknowledged the continuing concerns about the heavy metals now trapped in the river bed and along the banks, and promised to deal with the sediment problem over the long term. She offered no specifics.

Hydrologists usually measure by the acre-foot and acre-inch, and say 3 million gallons could cover 110 acres with an inch of contaminant-laden toxic sludge. This is why people downstream are so intent on determining where the contamination settles.

"Those are some of the longer-term issues that affect humans as well as wildlife," New Mexico Environment Secretary Ryan Flynn told The Associated Press in an interview.



U.S. Environmental Protection Agency Administrator Gina McCarthy and U.S. Rep. Ben Ray Lujan hold a press conference along the Animas River Trail in Berg Park in Farmington. (Jon Austria/The Daily Times)

compensation for injuries suffered from the spill."

The EPA said claims must be submitted within two years, even though it may take much longer to learn the extent of the damage.

McCarthy met with Begaye and Vice President Jonathan Nez on Thursday, touring both the San Juan River and also the Navajo Nation's Eastern Incident Command Post.

Begaye said there is uneasiness and uncertainty, especially since Navajo people have a natural distrust of the federal government based on their history working with them.

#### NM test results

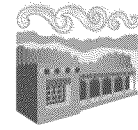
The EPA has yet to release any test data from the Animas and San Juan rivers in New Mexico, but promised results would be



#### Health, test results

Results of tests of river water in New Mexico can be found at [nmedriverwatersafety.org](http://nmedriverwatersafety.org). The EPA has a hotline residents can call for questions, 1-844-607-9700.

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#### Navajo concerns

Navajo President Russell Begaye told tribal members Wednesday night not to sign or submit EPA claim forms handed out at a public hearing until officials make sure they're not waiving rights to future claims.

In the president's directive, Navajo Nation Attorney General Ethel Branch advised that the federal form "contains offending language that will waive future claims for individuals that sign the form and preclude our people from seeking full

available soon.

In the interim, city of Farmington tests on Animas River water from Monday showed lead levels slightly above what is considered safe for drinking water. Those tests also showed levels of secondary metals, including manganese and iron, that were above the New Mexico safe water standards, the Daily Times reported.

Other than lead and secondary metal contaminants, which mainly affect taste and color, everything was within the standards, officials said.

New Mexico Environment Department tests done four days after the spill on the surface of the Animas River as it flows into the Navajo Nation also showed unsafe levels of lead.

The abandoned Gold King mine had been slowly leaking a toxic stew for decades before an EPA crew accidentally unleashed a torrent of waste during an Aug. 5 inspection. EPA tested for 24 metals at the river's surface immediately after the spill. One of the most dangerous, lead, was found below the 14th Street bridge in Silverton at more than 200 times higher than the acute exposure limit for aquatic life, and 3,580 times higher than federal standards for human drinking water.

Levels of arsenic were more than 24 times the exposure limit for fish and 823 times the level for human ingestion. Cadmium was found at more than six times the aquatic limit, 33 times that for humans.

The 100-mile-long plume has since dissipated, its heavy metals settling into riverbeds, during the waste's 300-mile journey toward Lake Powell, where the flow joins the Colorado River that supplies water to the Southwest.

#### billiRQ SrRblem

Federal authorities first suggested a treatment plant for Gold King more than a decade ago, but local officials and owners of a nearby mine were reluctant to embrace a federally-sponsored cleanup.

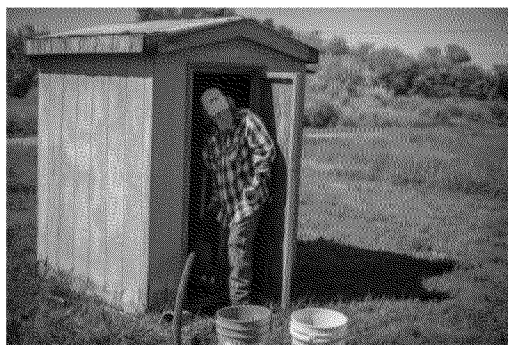
"They have been not pursuing the obvious solution," said Rob Robinson, a retired abandoned mines cleanup coordinator for the U.S. Bureau of Land Management. "My hope is this has embarrassed the hell out of them and they're going to finally take it seriously."

The Gold King delay illustrates a problem dwarfing the 3 million-gallon waste plume accidentally released by contractors working for the U.S. Environmental Protection Agency: There are about 500,000 abandoned mines nationwide, and only a fraction have been dealt with, despite decades of effort.

EPA has estimated the cost of cleaning up abandoned mines nationwide, not including coal mines, at between \$20 billion and \$54 billion.



Environmental scientists Mike Kesler, left, Rosa Romero and Eugene Knight test water samples at a testing facility set up by the New Mexico Environment Department on Wednesday morning on the county fairgrounds in Aztec. (Roberto E. Rosales/Albuquerque Journal)



Aztec, New Mexico resident Don Dufur tries to pump some water from the well outside his home so members of the New Mexico Environment Dept. can check it for contamination. (Roberto E. Rosales/Albuquerque Journal)





Colorado Gov. John Hickenlooper drinks water straight from the Animas River in Durango, Colo., on Tuesday to get an update about the blow out from Gold King mine. The water was treated with an iodine tablet before he drank it, to kill any giardia. (Shaun Stanley/The Durango Herald/AP)

## 'Reckless and irresponsible'

New Mexico Environment Secretary Ryan Flynn blasted Colorado Gov. John Hickenlooper late Wednesday for drinking river water outside Durango — after it was treated with iodine to kill giardia and E. coli — to show it was safe.

Flynn called it “a reckless and irresponsible act by a public official.”

“(Hickenlooper) might as well stick 15 cigarettes in his mouth and light them all at the same time and take a picture about how that’s good for you,” Flynn said.

He said no one should be drinking river water under the best of circumstances, and that Hickenlooper’s actions could send the wrong message to parents and children.

### COMMENTS

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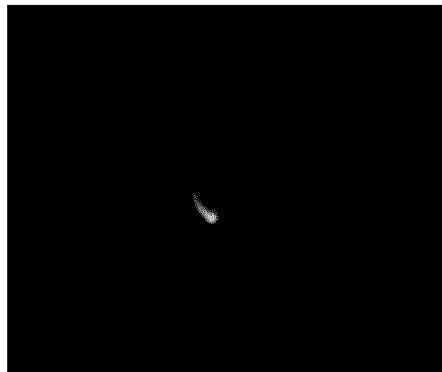
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## EPA denies pressuring Navajos into waiving rights to future payments in river disaster



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Environmental Protection Agency Administrator Gina McCarthy who has apologized repeatedly for the spill, called the accident "a heartbreaking situation for the EPA," according to the Navajo Times. She met privately Thursday with top tribal officials. (Associated Press) more > (/multimedia/image/8\_132015\_ap-1515496986398201jpg/)

By Stephen Dinan (/staff/stephen-dinan/) and Valerie Richardson (/staff/valerie-richardson/) - The Washington Times - Thursday, August 13, 2015

EPA (/topics/environmental-protection-agency/) administrator Gina McCarthy (/topics/gina-mccarthy/) moved to mend fences Thursday with Navajo Nation as the agency denied accusations that it tried to force Indians to waive their rights to future claims stemming from the Gold King Mine blowout.

In a statement Thursday, the EPA (/topics/environmental-protection-agency/) described as inaccurate comments by Navajo President Russell Begaye (/topics/russell-begaye/), who told The Washington Times and other press this week that EPA (/topics/environmental-protection-agency/) workers were going door to door on his reservation asking residents to sign claim forms appearing to waive future rights for payments now.

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These Girls Wish These Embarrassing Photos Never Saw The Light Of Day

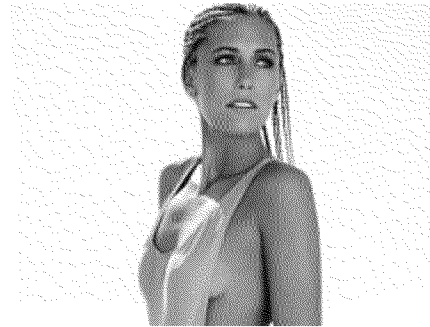
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25 Girls That Will Absolutely Drop Your Jaw.... Simply Stunning

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Mr. Begaye (/topics/russell-begaye/) called it underhanded and posted a copy of the claim form online, but EPA (/topics/environmental-protection-agency/) officials insist it isn't true.

EPA (/topics/environmental-protection-agency/) is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights, the agency said.

The EPA (/topics/environmental-protection-agency/) also said those who face damages from the Aug. 1 accident at the abandoned Colorado mine, which sent 1 million gallons of bright orange wastewater down the Animas River, have two years to file claims under federal law.

Ms. McCarthy (/topics/gina-mccarthy/) met with top Navajo officials for a private gathering Thursday on the reservation's New Mexico side, then toured the San Juan River contamination site and the incident command center in Farmington, N.M.

The administrator, who has apologized repeatedly for the spill, called the accident a heartbreaking situation for the EPA (/topics/environmental-protection-agency/), according to the Navajo Times.

She also announced that the EPA (/topics/environmental-protection-agency/) has committed \$500,000 for clean water for livestock and crop irrigation for local farmers and ranchers. The day before, she toured the Animas River, which connects with the San Juan, in Durango, Colorado.

We are making a concerted effort round the clock at EPA (/topics/environmental-protection-agency/), not only with hundreds of people on the ground but hundreds of people supporting them in the background, to make sure we get our short-term needs solved, but also to make sure that people know that EPA (/topics/environmental-protection-agency/) is in it for the long haul as well, Ms. McCarthy (/topics/gina-mccarthy/) said during a brief press conference in Farmington, N.M.

The EPA (/topics/environmental-protection-agency/)'s latest results from water testing in Colorado shows that the Animas River's concentration of heavy metals is back to pre-spill levels, although orange residue remains on the river bottom, banks and rocks.

The orange plume from the spill moved down the Animas River and connected with the San Juan before heading to Utah and Lake Powell. Utah Gov. Gary Herbert declared a state of emergency Wednesday, the third governor to do so in reaction to the disaster.

I am deeply disappointed by the actions of the Environmental Protection Agency (/topics/environmental-protection-agency/), Mr. Herbert said after issuing the executive order. It was a preventable mistake, and they must be held accountable.

Mr. Begaye (/topics/russell-begaye/) had questioned the EPA (/topics/environmental-protection-agency/) workers motives, saying they were approaching elderly Navajo farmers and ranchers who may not speak English as their first language, and who would have a hard time understanding the confusing language on Standard Form 100, which does seem to indicate that the claims made on it are final settlements and constitute a waiver of future claims.

As it wrestles with the fallout from the contamination, the Navajo Nation has received advice from an unexpected source—Erin Brockovich, the anti-pollution crusader made famous in the eponymous movie starring Julia Roberts.

Navajo Nation stand strong, Ms. Brockovich said on Facebook. We stand with you! stand with you!!!

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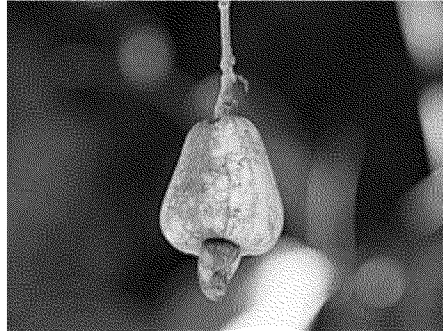
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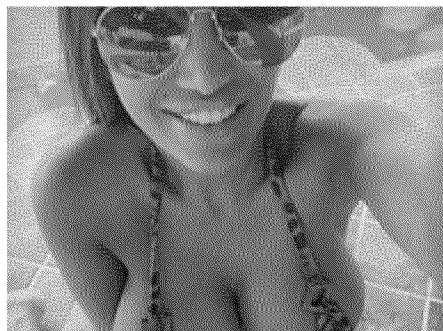
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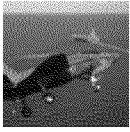
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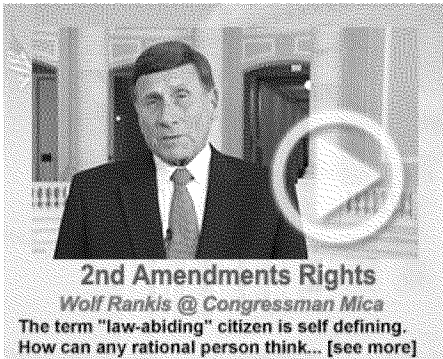
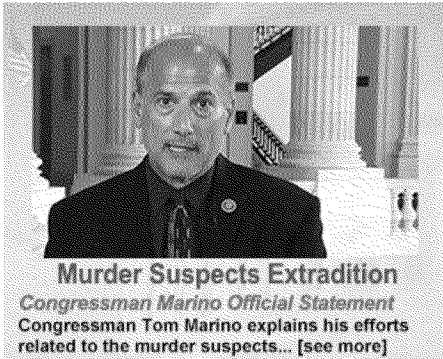
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V Trammell • 3 hours ago

I know it may seem minor, but when I read the title of an article, I expect the article to be about the title.

This story is 19 paragraphs long of which only 7 paragraphs actually pertained to the title of the article.

The other 12 paragraphs was little more than a rehash of the same thing being said every day since this debacle began.

I am also sick and tired of reading and hearing about what *"a heartbreaking situation for the EPA"* this is.

Who gives a crap if the EPA's heart is broken? What of the people whose livelihoods are suffering because of the EPA's incompetence?



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rowdy • 10 hours ago

Navajos, don't worry!

Obama and his EPA are screwing all Americans.

What's a little water anyway?

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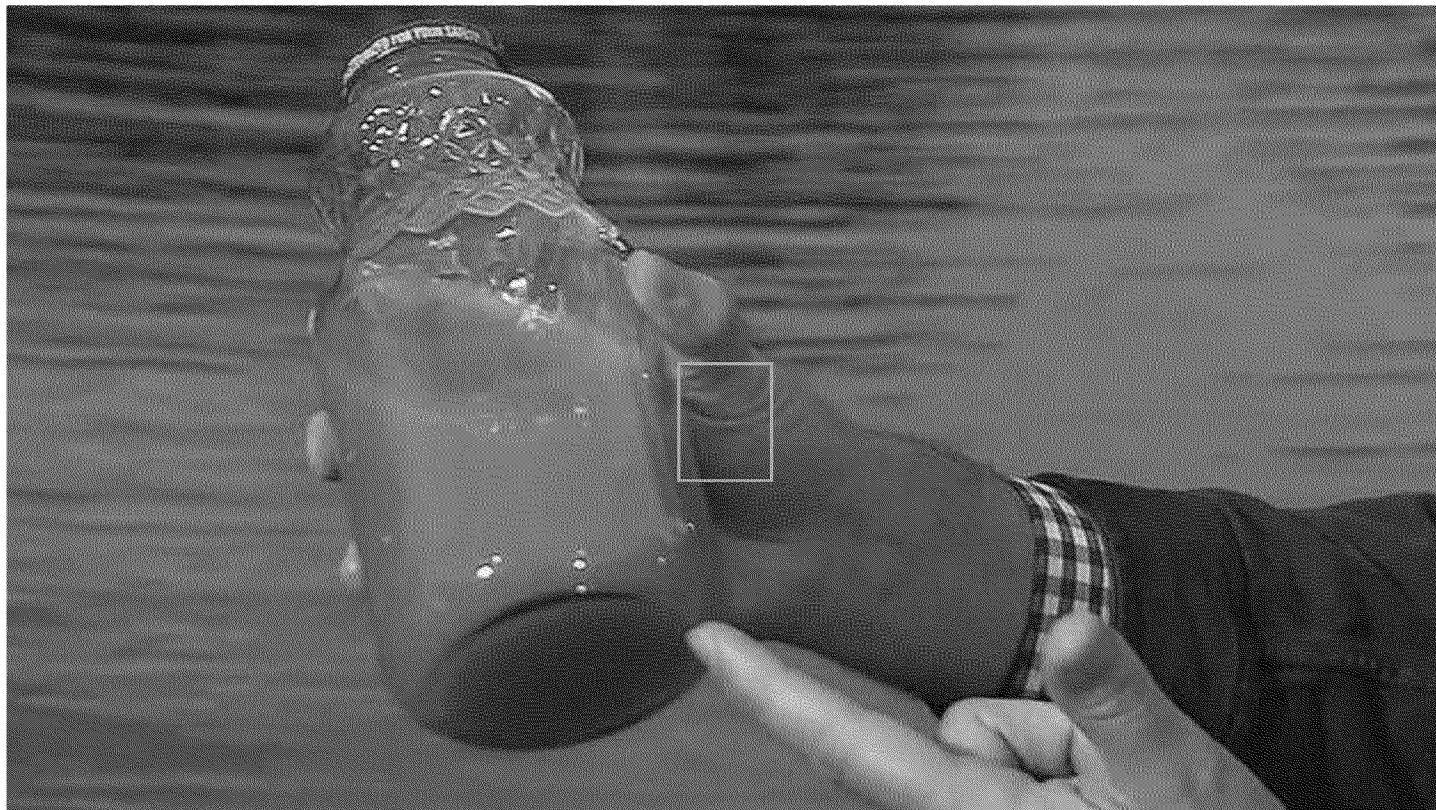


U.S. Edition

## By the numbers: The massive toll of the Animas River spill

By Ben Brumfield, CNN

Updated 12:57 PM ET, Thu August 13, 2015

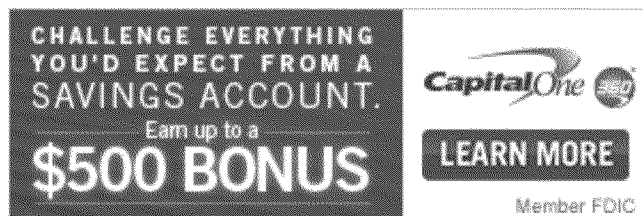


Health official: Animas River safe after toxic spill 01:56

## Story highlights

An environmental crew used heavy equipment to enter a defunct Colorado mine

A leak sprung spilling 3 million gallons of heavy metal contaminated water



Advertisement

(CNN)—The environmental crew had one job: pump out and treat contaminated water at the Gold King Mine in southern Colorado.

Instead, when the workers for the Environmental Protection Agency used heavy equipment to enter the defunct mine on August 5, 2015, a leak sprung. A massive one.

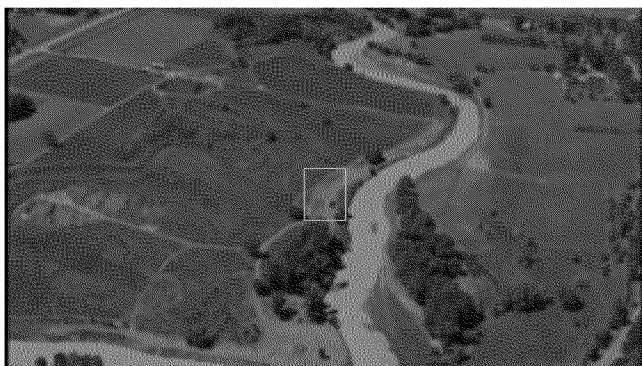
The EPA has taken full responsibility and announced it was temporarily ceasing work at

other mines to avoid a repeat.

Water tainted with heavy metal gushed from Gold King into the nearby Animas River, turning it a solid mustard color. It flowed downstream for dozens of miles crossing state lines. It made life miserable for thousands who depend on the river water.

Here is the toll the spill has taken told by the numbers.

## 3 million



The number of gallons of heavy metal filled wastewater the U.S. Geological Survey says spilled into the Animas River. That's about 60,000 bathtubs full.

The bright discoloration was an obvious flag that something was awry in the river. But the EPA was sluggish with information in the aftermath, as residents worried about

Related Video: River turns orange after waste contamination 02:00

possible damage to their health, and businesses on the river shut down.

---

12,000

That's how many times higher than normal the level of lead was in one water sample tested from the Animas River shortly after the spill.

Lead poisoning is tricky, because at low levels, it can be hard to detect. It can slow down child development and cause learning disabilities, the Mayo Clinic says.

Lead is just one of the many heavy metals released, and it's not the deadliest. The wastewater also contained extremely high levels of arsenic, cadmium, beryllium and mercury. It also contained zinc, iron and copper.

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3



The number of states heavily hit by the spill: Colorado, New Mexico and Utah.

The attorneys general of the states hinted they might sue the federal government individually or collectively. But Colorado Attorney General Cynthia Coffman said, "It is too early to know if litigation is necessary or appropriate."

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Related Video: Colorado declares state of emergency on Animas River 01:27

The EPA has mentioned the idea of an independent review of the incident in

addition to its own. The attorneys general support this.

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## 2

The number of rivers affected. The heavy metal plume also flowed from the Animas into the San Juan River in New Mexico. It carried the pollution into Utah.

The rivers serve as the source for five water supply systems, the EPA told CNN affiliate KOAT.

It's hard to say how many people the spill affected.

The banks of the rivers are sparsely populated, but they are surrounded by farmland in an otherwise dry to desert terrain, and farmers are dependent upon river water to irrigate their crops.

---

## 45,000



11 photos: EPA spill turns Animas River orange

That's the population of the largest town affected by the spill: Farmington, New Mexico. It's located on the spot where the Animas flows into the San Juan. The next largest municipality is Durango, Colorado, with a population of more than 17,000, according to the U.S. Census Bureau.

The Navajo community around the town of Shiprock, which is downstream from Farmington on the San Juan River, is hard hit as well. Some 750 farmers there need river water to irrigate.

The community has vowed legal action against the EPA.

---

## 90

That's how many days' water reserves Farmington has before it will need to draw river water. Farmington's reserves also supply nearby towns with drinking water, including Shiprock.

Some residents are concerned the heavy metal spill might seep into groundwater, poisoning wells. More than 400 Farmington residents who draw their water from wells have turned in samples for testing.

A week after the spill, tests indicate that the Animas River is returning to normal, but fears linger over possible long-term consequences. Experts say adverse health effects from heavy metal poisoning can take years to become apparent.

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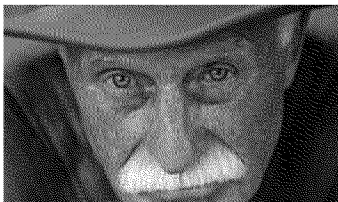
## 500,000

The rough number of old mines similar to the Gold King Mine that environmental activist organization Earthworks says that need to be cleaned up. Earthworks says some of them could be leaking waste into groundwater nearby.

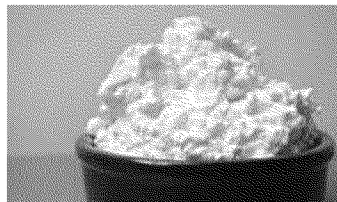
CNN's Ralph Ellis and Mariano Castillo contributed to this report.

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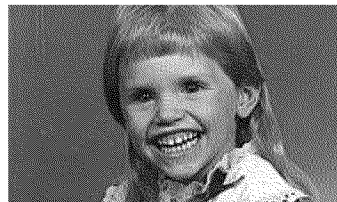
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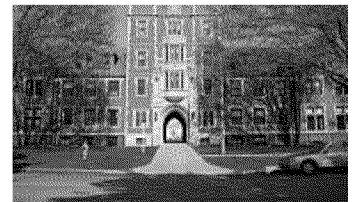
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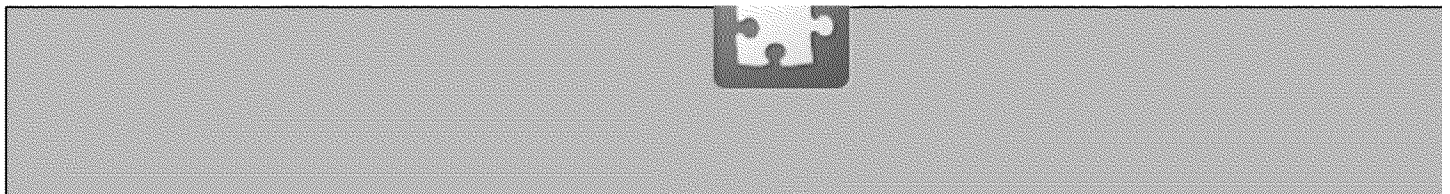
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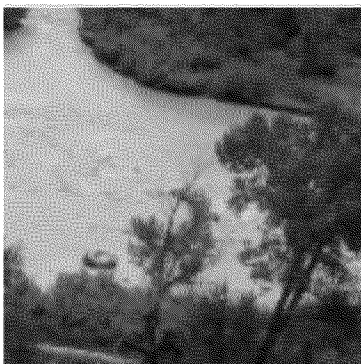


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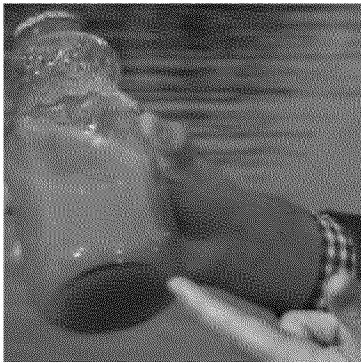
A black and white advertisement for Porter Airlines. At the top, a white silhouette of an airplane flies across a dark sky. The text "porter" is in a large, bold, sans-serif font, with "flying refined" in a smaller font below it. The main headline reads "S'more savings on flights to Canada!" in a large, bold, sans-serif font. Below this, the text "up to" is in a small font, followed by a large "40%" in a very large, bold, sans-serif font, and "off" in a medium-sized font. To the right of "40%", the text "regular base fares" is in a small font. The background of the advertisement is a dark, stylized illustration of a forest at night. In the foreground, a raccoon wearing a hat and a backpack is sitting on a log, holding a marshmallow over a campfire. A tent is pitched to the left of the raccoon, and a Canadian flag is visible in the background. At the bottom of the advertisement, the text "Book by Aug. 14, 2015. Travel by Nov. 30, 2015." is in a small font. Below this, there is a button with a play icon and the text "Find Best Fares". To the right of the button, the text "Some conditions apply." is in a small font.

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## Animas River spill

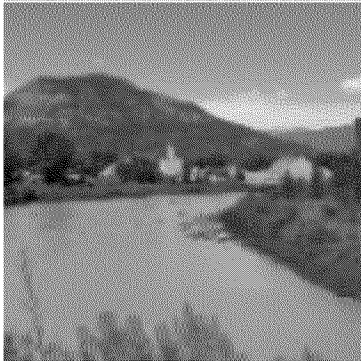


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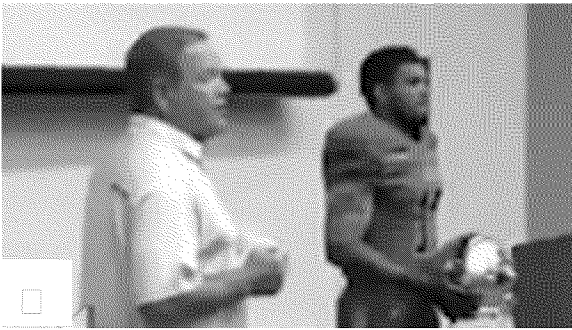
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Morning Edition

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Transcript

The Environmental Protection Agency and multiple western states are dealing with the spill into Colorado's Animas River. It was triggered by a crew of EPA contractors working at the Gold King Mine.

DAVID GREENE, HOST:

Now to a story we're following in this country. Colorado's Animas River is not orange anymore. A spill from the long-shuttered Gold King Mine last week turned the water that color and may have left toxic heavy metals in the riverbed. Colorado, Utah, New Mexico and the Navajo Nation have all freed up emergency funds to help people affected by this spill. It was triggered by EPA contractors who were doing cleanup work at the mine. The agency says it takes full responsibility for the accident. But locals are saying the agency has also been pretty slow to respond. Colorado Public Radio's Grace Hood reports.

GRACE HOOD, BYLINE: The orange plume of wastewater laced with arsenic and lead was shocking to southwestern Colorado residents when it flowed down the Animas River. It's since flowed into the San Juan River in New Mexico, headed toward Lake Powell. On Wednesday, EPA administrator Gina McCarthy traveled to Durango, Colo. to meet with local officials.

(SOUNDBITE OF ARCHIVED RECORDING)

GINA MCCARTHY: No agency could be more upset about the incident happening or more dedicated in terms of doing our job and getting this right.

HOOD: The spill was triggered August 5. Since then, the Animas and San Juan Rivers have been closed to boaters and swimmers. Rafting companies have been temporarily out of work. Farmers can't use the water for crops. In a bit of good news, McCarthy said water quality results in the Durango, Colo. area were showing that levels have returned to conditions before the spill.

(SOUNDBITE OF ARCHIVED RECORDING)

MCCARTHY: So this is very good news. But I want to make sure you understand that there are additional steps that we are going to take.

HOOD: But McCarthy did not address the contaminants that experts say remain in the riverbeds. Colorado and New Mexico residents have become frustrated with what they see as a slow EPA response. That's left states to take matters into their own hands. While the EPA said the rivers won't reopen until next Monday, Colorado Governor John Hickenlooper says he thinks the river could open in a few days. And just yesterday, Colorado gave the green light for Durango to start processing tap water from the Animas River.

CYNTHIA COFFMAN: It is the type of response and communication that I am concerned about.

HOOD: Cynthia Coffman is the attorney general of Colorado. She, along with the attorneys general for Utah and New Mexico, said they're watching the EPA closely,

and they won't hesitate to apply legal pressure if it's needed.

COFFMAN: It may take a lot of attention from citizens here and from the attorneys general to make sure that things are done and done properly.

HOOD: Promising news for a New Mexico attorney general, Hector Balderas, was the fact that the EPA will seek independent oversight when it investigates the Gold King Mine incident. Balderas says he's evaluating whether the EPA plan to address environmental concerns after the spill is adequate for New Mexico.

HECTOR BALDERAS: We would hope that they would welcome feedback in terms of whether additional resources will be needed.

HOOD: Utah Attorney General Sean Reyes says his state hasn't seen any acute effects from the spill. But it's the orange sediment on the banks and at the bottom of the river that worries him.

SEAN REYES: Who knows long-term, in terms of a chronic problem, how that's going to affect everyone? That's our biggest concern, probably, right now.

HOOD: The attorneys general say they'll be watching the effects over the next two to five years to ensure that the land is restored and residents are compensated for damages. For NPR News, I'm Grace Hood in Durango, Colo.

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## EPA chief Gina McCarthy says water quality in Animas back to "pre-event conditions"

Colorado, New Mexico delegations send letter to Obama asking for full cooperation

By Jesse Paul

*The Denver Post* (<mailto:jpaul@denverpost.com?subject=The Denver Post:> )

POSTED: 08/12/2015 12:12:04 PM MDT | UPDATED: A DAY AGO

60 COMMENTS ([HTTP://WWW.DENVERPOST.COM/NEWS/CI\\_28627376/EPA-CHIEF-GINA-MCCARTHY-DURANGO-WEDNESDAY-SEE-](http://www.denverpost.com/news/ci_28627376/EPA-CHIEF-GINA-MCCARTHY-DURANGO-WEDNESDAY-SEE-ANIMAS?SOURCE=HOT-TOPIC-BAR#DISCUS_THREAD)

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[Wheaties teaming up with brewery on craft beer \(http://www.denverpost.com/business/ci\\_28637831/wheaties-tear-brewery-craft-beer?source=top\\_stories\\_bar\)](http://www.denverpost.com/business/ci_28637831/wheaties-tear-brewery-craft-beer?source=top_stories_bar)

skie disturbs the bottom of the river to show that the waste has settled under the dirt of the Animas River on August 12, 2015 at Santa Rita Park. "The river is returning to pre-event conditions." said EPA Administrator Gina McCarthy during a press conference in the afternoon. The Animas ...

DURANGO — Seven days after her agency's massive mine wastewater spill into a major southwest watershed, the head of the Environmental Protection Agency said water quality in the Animas River through La Plata County has "returned to pre-event conditions."



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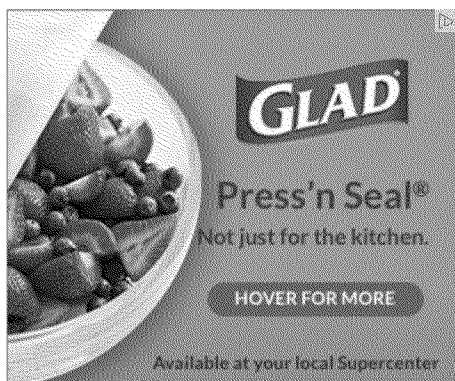
Administrator Gina McCarthy, in a boots-on-the-ground appearance Wednesday in Durango that's expected to continue Thursday in Farmington, N.M., called the Aug. 5 incident "heartbreaking" and said the EPA "couldn't be more sorry."

"Right now, rest assured, we will learn lessons from this, and we will move those lessons forward in the work moving ahead," she said of the spill of 3 million gallons at the Gold King Mine near Silverton.

In a 15-minute news conference, McCarthy said cleanup operations at similar mines throughout the country have been "put on hold" until the EPA determines how the Gold King accident happened. Speaking outside a command center, McCarthy said the EPA plans to solicit an independent investigation of the calamity.

## Not satisfied

Some Durango residents are angered that McCarthy is neither planning a trip to the Gold King Mine nor holding a public meeting. EPA officials and McCarthy said the mine — roughly a 55-mile trip, some of it over unpaved road — was too far to visit.



"As you know, it is a significant distance away, but I did visit the river. I took a look at it myself to get a sense of the river," McCarthy said. "And I think the good news is it seems to be restoring itself, but we have continued work to do and EPA is here."

Her appearance came after Colorado's senators and the congressman representing Durango-area residents urged her to visit the impacted areas.

"The most important thing for me, for this trip, was to come to the unified command center," she said, citing a necessity to meet with local and state officials to ensure that their needs are being fulfilled.

"That is my first order of business," she added.

Anne Marie Greenberg, who has lived in Durango for eight years, came to hear McCarthy speak and found herself feeling unimpressed afterward.

"I wanted to see if they were going to answer any of the questions that have been on our minds," she said, adding that McCarthy hadn't.

Greenberg said she feels someone needs to take time to respond to the fear and confusion in the community, specifically on when well water will be safe to drink and what dangers lie in sediment from the mine that has settled in the river.

"You sit there and you take it," she said of the EPA.

Just before McCarthy addressed the media Wednesday afternoon, members of the Colorado and New Mexico congressional delegations released a letter they sent to President Barack Obama requesting federal resources. In the letter, the group also said the federal government should explore creating a water-treatment plant in the Upper Animas River to remove heavy metals from the watershed at its source.

While the EPA says it's treating contaminated water still flowing from the Gold King Mine, three adjacent mines continue to release ([http://www.denverpost.com/environment/ci\\_28624471/animas-river-spill-gold-king-mine-one-many-area-releasing-heavy?source=pkg](http://www.denverpost.com/environment/ci_28624471/animas-river-spill-gold-king-mine-one-many-area-releasing-heavy?source=pkg)) more than 540 gallons per minute of waste laced with

[contentItemRelationshipId=7005665](#))

Gina McCarthy is in Durango to assess damage caused by the mine spill into the Animas River. (Associated Press file)

## Aug 14:

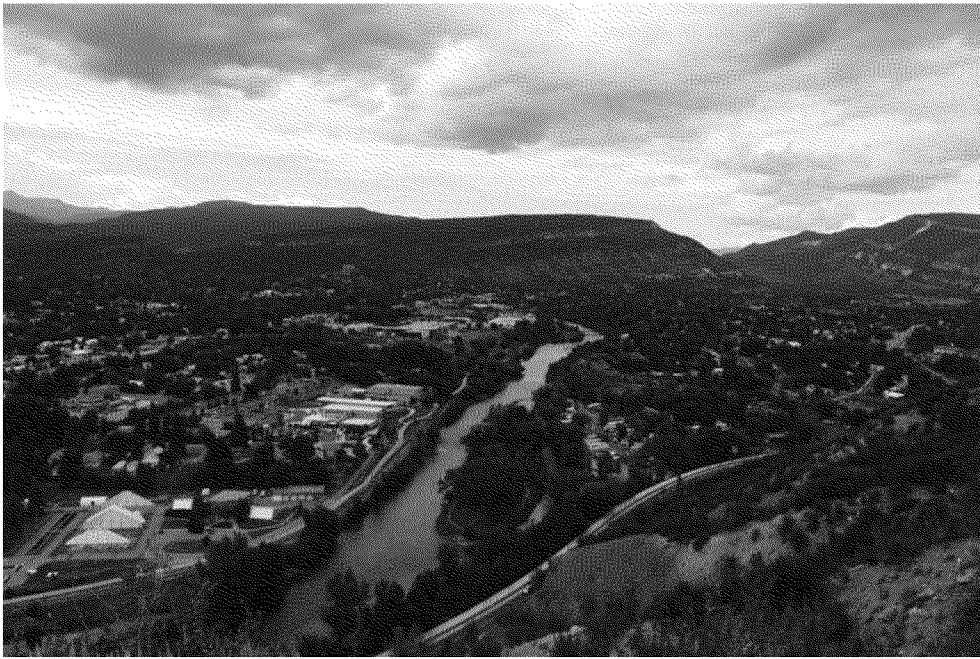
- [Animas River spill: Hurdles remain at Gold King](#) ([http://www.denverpost.com/environment/ci\\_28638259/hurdles-remain-at-gold-king?source=pkg](http://www.denverpost.com/environment/ci_28638259/hurdles-remain-at-gold-king?source=pkg))

## Aug 12:

- [Colo. state health dept. says Animas water OK to treat for drinking](#) ([http://www.denverpost.com/news/ci\\_28629387/colo-state-health-dept-says-animas-water-ok?source=pkg](http://www.denverpost.com/news/ci_28629387/colo-state-health-dept-says-animas-water-ok?source=pkg))
- [Animas River spill leaves Colorado neighbors weighing EPA lawsuit](#) ([http://www.denverpost.com/news/ci\\_28626632/animas-river-lawsuit-against-epa-table-colorado-ag?source=pkg](http://www.denverpost.com/news/ci_28626632/animas-river-lawsuit-against-epa-table-colorado-ag?source=pkg))
- [Animas River spill: Gold King Mine one of many in area releasing heavy metals-laced waste](#) ([http://www.denverpost.com/environment/ci\\_28624471/animas-river-spill-gold-king-mine-one-many-area-releasing-heavy?source=pkg](http://www.denverpost.com/environment/ci_28624471/animas-river-spill-gold-king-mine-one-many-area-releasing-heavy?source=pkg))
- [Animas River outfitters shut as plume passes, but say they'll endure](#) ([http://www.denverpost.com/business/ci\\_28624469/animas-river-outfitters-shut-plume-passes-but-say?source=pkg](http://www.denverpost.com/business/ci_28624469/animas-river-outfitters-shut-plume-passes-but-say?source=pkg))
- [Willoughby: Animas spill may lead to more attention on mining](#) ([http://www.denverpost.com/willoughby/ci\\_28624900/willoughby-animas-spill-may-lead-more-attention-mining?source=pkg](http://www.denverpost.com/willoughby/ci_28624900/willoughby-animas-spill-may-lead-more-attention-mining?source=pkg))

## Aug 11:

- [Willoughby: Animas spill may lead to more attention on mining](#) ([http://www.denverpost.com/willoughby/ci\\_28624900/willoughby-animas-spill-may-lead-more-attention-mining?source=pkg](http://www.denverpost.com/willoughby/ci_28624900/willoughby-animas-spill-may-lead-more-attention-mining?source=pkg))



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The yellow color of that dominated the river last week as turned a greenish color August 11, 2015 along Animas River. (Brent Lewis, *The Denver Post*)

heavy metals.

"This is truly a national disaster that requires the attention, coordinated efforts and resources of multiple federal agencies," the letter says.

"The communities we represent expect and deserve a prompt and thorough response to this disaster as well as transparency and accountability from the federal government," it reads.

### Looking ahead

Asked about what politicians across the Southwest have complained was a slow response by the EPA to notify the public of the spill, McCarthy said, "We will address those issues as we look at the investigation. ... .

"The most important thing is we are moving forward. We are fully ramped up. We have data coming in. We can assess that data."

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations.

Wednesday afternoon, the Colorado Department of Public Health and Environment informed the [city of Durango](http://www.denverpost.com/news/ci_28629387/colo-state-health-dept-says-animas-water-ok) that "drinking water treatment facilities can begin to use the Animas River ([http://www.denverpost.com/news/ci\\_28629387/colo-state-health-dept-says-animas-water-ok](http://www.denverpost.com/news/ci_28629387/colo-state-health-dept-says-animas-water-ok)) to collect and treat water for customers."

The Animas River in La Plata County, including Durango, remains closed by authorities. The county sheriff's office has not said when it will reopen the water. Meanwhile, local businesses that rely on the Animas' flow remain shuttered.

EPA officials Wednesday said the plume of contaminants is approaching Lake Powell in Utah and that apparatus are in place there to conduct testing.

"We are already there," McCarthy said.

DOCUMENT: Read the letter from the Colorado and New Mexico delegations to President Obama regarding the Animas River spill  
([http://extras.mnginteractive.com/live/media/site36/2015/0812/20150812\\_031723\\_8.12.15-Delegation\\_Letter\\_to\\_President.pdf](http://extras.mnginteractive.com/live/media/site36/2015/0812/20150812_031723_8.12.15-Delegation_Letter_to_President.pdf))

Utah Gov. Gary Herbert on Wednesday declared a state of emergency, saying his state has mobilized resources.

A spokeswoman for the San Juan Basin Health Department on Wednesday said results of water testing on private wells in the area have not been returned but are expected "very soon." A county spokeswoman says the EPA is paying for the tests.

The department earlier this week said a call center set up to answer questions and take requests for well testing was "overwhelmed." Samples have been sent to labs in Denver and Georgia.

McCarthy's visit came as Colorado Attorney General Cynthia Coffman was in Durango to meet with her counterparts from New Mexico and Utah.

Coffman on Wednesday morning [said in an interview with The Denver Post](http://www.denverpost.com/news/ci_28626632/animas-river-lawsuit-against-epa-table-colorado-ag) ([http://www.denverpost.com/news/ci\\_28626632/animas-river-lawsuit-against-epa-table-colorado-ag](http://www.denverpost.com/news/ci_28626632/animas-river-lawsuit-against-epa-table-colorado-ag)) that a lawsuit against the EPA is "certainly on the table."

"This is an event that will unfold over a period of months and years," she said. "Ultimately, my concern is about accountability and making sure the EPA is held responsible."

*Jesse Paul: 303-954-1733, [jpaul@denverpost.com](mailto:jpaul@denverpost.com) or [twitter.com/JesseAPaul](https://twitter.com/JesseAPaul)*

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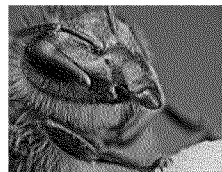
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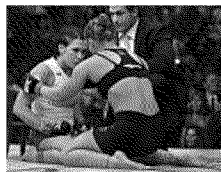
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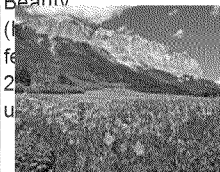
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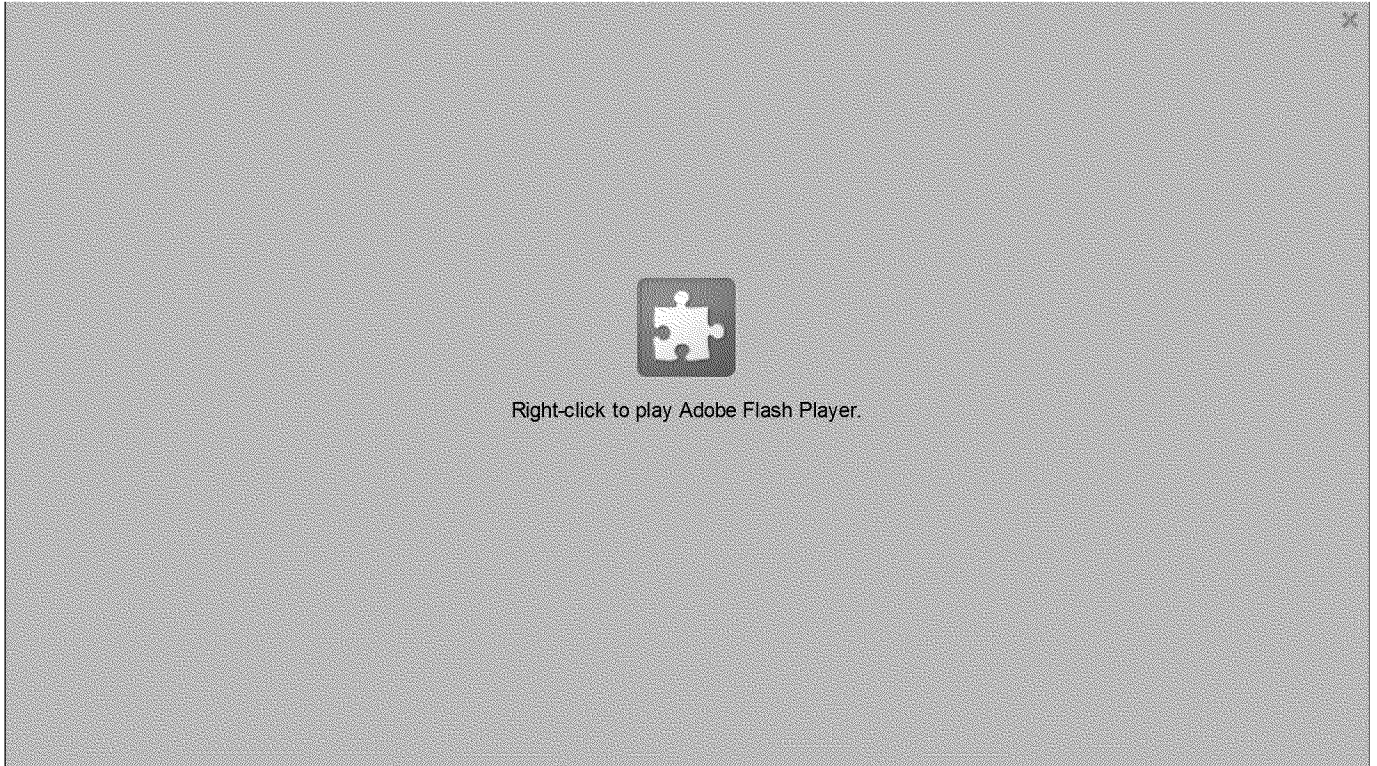
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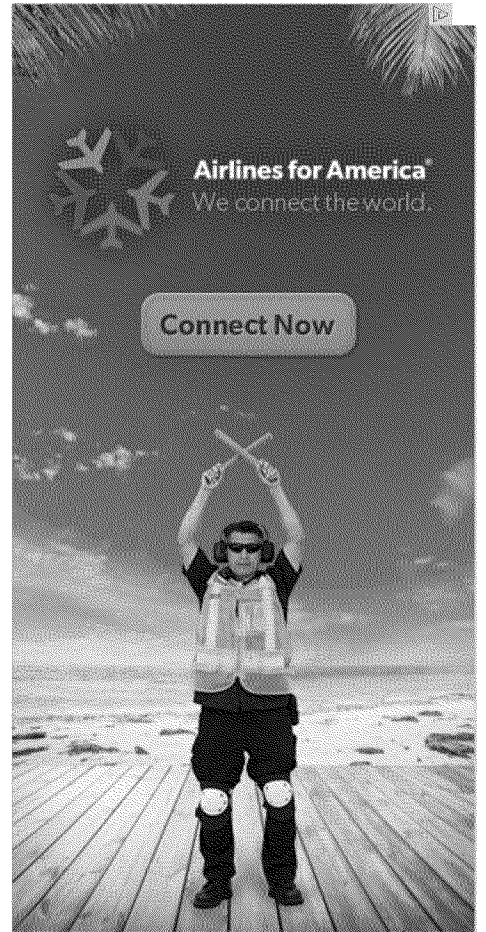
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# EPA says Animas River on the mend after toxic spill



The water in the Animas River in Durango, Colorado is on the mend, according to the state health department and the EPA. Authorities are so confident the water is improving, they gave Durango the go-ahead to begin pulling water for customer use. kusa





# Will EPA have to pay for polluting river?

By Danny Cevallos, CNN Legal Analyst

Updated 4:02 PM ET, Thu August 13, 2015



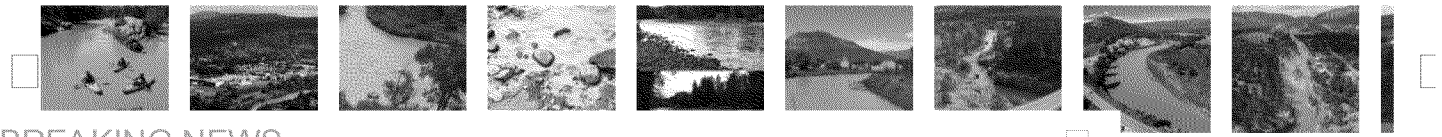
11 photos: EPA spill turns Animas River orange

11 ph

Kayakers float along the Animas River near Durango, Colorado, on August 6, in water colored The c  
from the mine waste spill. of mir

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a CNN legal analyst practicing in Islands. Follow him on ons expressed in this

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to clean up the polluted water releases from the mine, a contractor working for the EPA let loose 3 million gallons of contaminated water from the mine into a tributary of the Animas River.

That's right. EPA was there to help fix the water, and instead ended up contaminating a lot more water.



Danny Cevallos

Many are demanding that EPA be held liable for this environmental disaster, which has flooded our screens with images of mustard-colored streams. In the past, when companies like offshore oil-drilling company Transocean and oil company BP were deemed responsible for leaking millions of gallons of oil into the Gulf of Mexico, corporate heads rolled. Money settlement figures were in the billions, and employees

were criminally prosecuted.

So, will the EPA similarly be held accountable? Not likely.

As Mel Brooks famously said: "It's good to be the King." And, as President Nixon infamously said: "When the President does it, that means that it is not illegal."

In modern times, for the EPA, it's good to be the government, especially when what it does is not illegal. Though the United States is no longer (technically) a monarchy, the government still enjoys today what is called "sovereign immunity" from civil and criminal liability. The sovereign immunity doctrine prevents any entity, governmental or private, from suing the federal government unless -- unless the government gives its permission -- to be sued. And, as you might expect, when the government decides when and if the government can be sued, well, they have a tendency to side with themselves.

To be fair, the government does give its consent to be sued from time to time. Many of the environmental statutes, like the Clean Water Act and the Safe Drinking Water Act, contain provisions that allow citizens to sue the EPA when the EPA fails to perform an act or duty.

Just because the government consents to being sued doesn't mean that the government can't make it an unappetizing process. Citizen suit provisions -- against both federal and state agencies -- usually require extra obstacles, like formal notifications in advance of filing the lawsuit. Claims for civil wrongs against the government are barred unless presented in writing to the appropriate Federal agency within two years.

The takeaway: Even when the government waives its immunity, it still partially cloaks itself in all manner of procedural defenses against a would-be plaintiff.

It's interesting that the same behavior that will get a CEO indicted, or a company sued into bankruptcy, might not even be actionable against the government.

Sovereign immunity isn't just a legal doctrine. It's a culture. Even if you don't work for or with the government, you and every other citizen has been exposed to the sediment of immunity.

Don't believe me? Pick up the phone and call the 1-800 number for Chick-fil-A and ask a question about their spicy chicken sandwich deluxe. Then hang up and call your local government agency to find out about how to get the licenses and permits if you want to open your own Chick-fil-A. Odds are, the private corporation will burn more calories providing you services than the public entity.

We've all wasted time on hold with government entities, where it's apparent there is zero quality control, and customer service just ain't a priority. Don't get me wrong: you can reach a helpful person at a courthouse or a probation department, but they are helpful because they choose to be -- not because the system incentivizes service.

Private companies, on the other hand, offer 50 different ways to reach them: fax, e-mail, Twitter, online chats, are only a few. Good luck finding anything other than a main telephone number for municipal administration services.

To be fair, if you told me tomorrow that my private practice was immune from all criminal, civil, or professional liability, and I'd get a pension when I retired, I'd probably stop answering the phone and sleep til noon. Heck, I'd probably start leaving work at three and taking three-month paid vacations in the summer.

Of course, I'm kidding. Even government employees don't take three-month summer vacations -- oh wait -- well, some do, but that's not the question here. The question is whether sovereign immunity is good policy when the government does something really negligent.

Hopefully the government will do the right thing and take care of those states and citizens who have been affected by the spill, without lawsuits and courts. Perhaps federal agencies will provide assistance and services to those damaged by the pollutants in the river. Then again, good-intentioned federal agencies trying to help is exactly why this happened in the first place.

To be fair, the EPA has been sued in the past and will be sued again. And while suing the "King" is rarely easy, it can be done. But it's not so much the government's legal

immunity, but the culture of immunity that is the problem. When private companies cause ecological disasters, we go after them in criminal and civil court. When the government does the same thing, it feels like the punishment is less severe.

Maybe President Nixon was right. Maybe when the government, the executive, or the king does something illegal, it becomes legal simply because the government does it. When President Nixon said this in an interview, we were shocked. Maybe he wasn't that far off.

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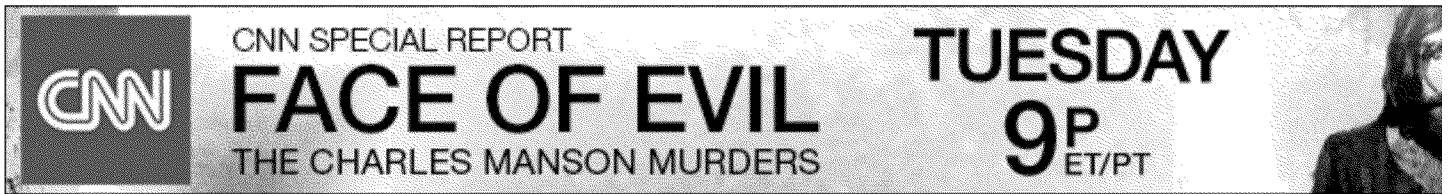
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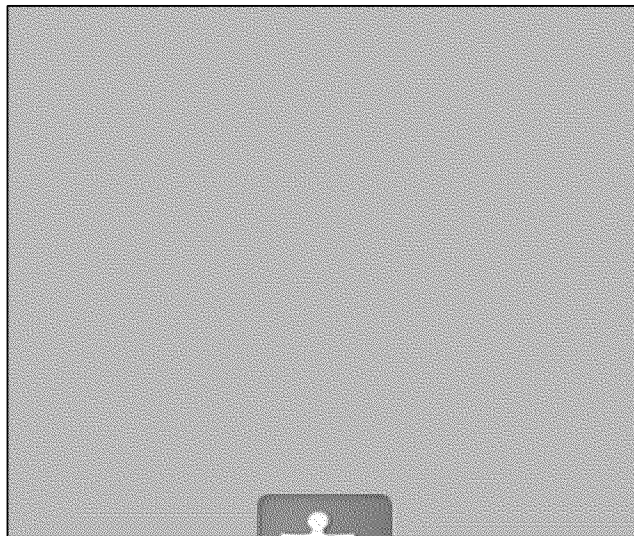
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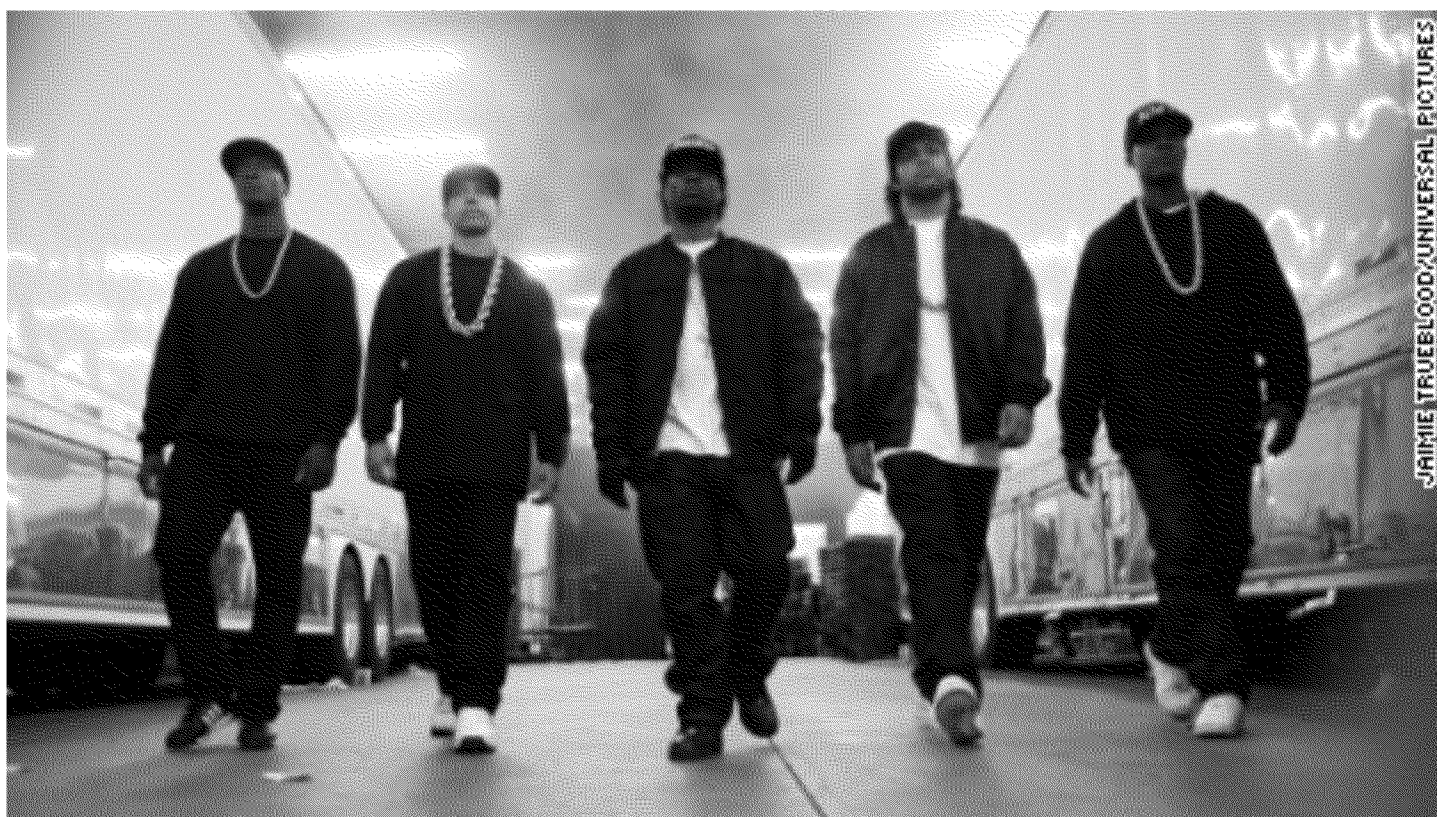
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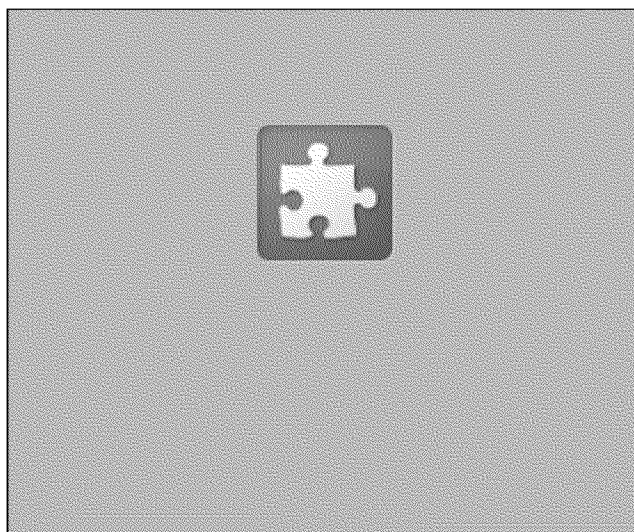
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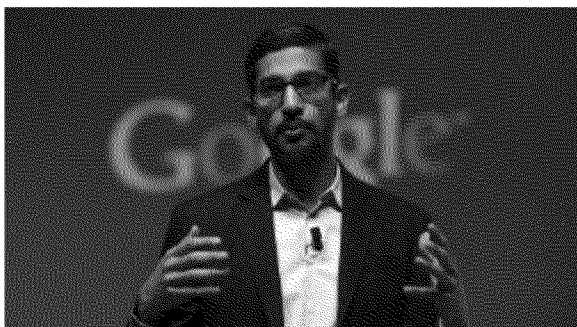
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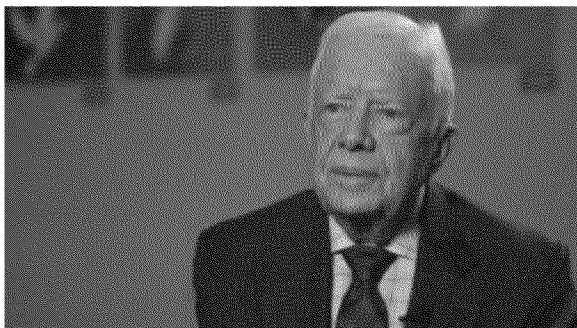
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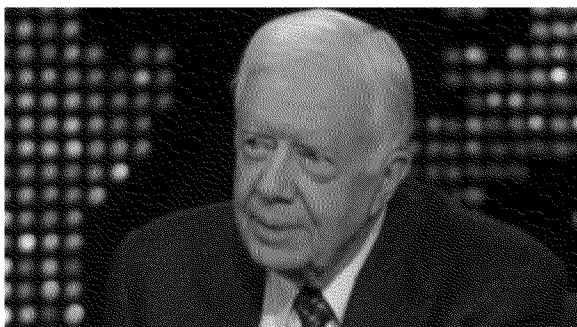
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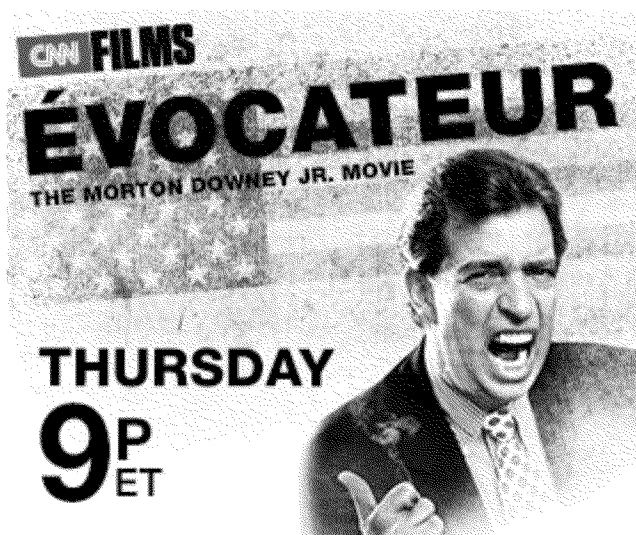
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Friday, August 14, 2015, 8:24 a.m.

## "New Crisis is Coming"

22-year Congressman speaks out and reveals #1 step to prepare.

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## Mine-waste risks to linger, experts say

Heavy metals filtering into river bottoms; Navajos latest to fear economic hit

By MATTHEW BROWN and P. SOLOMON BANDA The Associated Press  
This article was originally published August 13, 2015 at 3:46 a.m. Updated August 13, 2015 at 3:46 a.m.PHOTO BY AP / JON AUSTRIA  
Silverton resident Melanie Bergolc walks along the banks of Cement Creek in Silverton, Colo., on Monday. The area is a few miles downstream from the Gold King mine, where a wastewater accident several days earlier allowed yellow water contaminated with heavy metals to pour into the creek on the largest American Indian reservation in the U.S.[Comment \(1\)](#)[Font Size](#)

DURANGO, Colo. -- The toxic waste gushing from a Colorado mine and threatening downstream water supplies in at least three states will continue to be dangerous whenever contaminated sediments get stirred up from the river bottom, authorities said Wednesday.

The immediate effect of the 3 million-gallon spill is easing as the orange-tinted contamination plume becomes more diluted on its way into Lake Powell along the Utah-Arizona border. But the strong dose of arsenic, cadmium, lead and other heavy metals is settling out as the wastewater travels downstream, layering river bottoms with contaminants sure to pose risks in the future.

"There will be a source of these contaminants in the rivers for a long time," said hydrologist Tom Myers, who runs a Nevada-based consulting business. "Every time there's a high flow it will stir it up and it will be moving those contaminants downstream."

The Environmental Protection Agency had pushed for 25 years to grant Superfund status to the partly collapsed Gold King mine and other idled mine sites leaking heavy metals above Silverton, Colo. That would have brought in major funds for a comprehensive cleanup.

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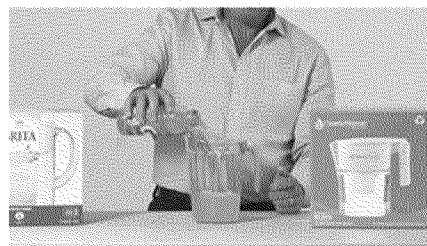
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But local authorities spurned federal intervention, leaving a smaller EPA-led team to investigate the steady stream of pollution. That team accidentally breached a debris wall Aug. 5, unleashing a huge pool of contaminated water.

EPA Administrator Gina McCarthy, on a visit Wednesday to Durango, downstream of the spill site, said she had ordered agency personnel across the country to cease field investigation work on abandoned mines while the spill was investigated. EPA officials said they were seeking details on what the stop-work order means.

State attorneys general from Colorado, New Mexico and Utah appeared separately in Durango, pledging to make sure residents are compensated for damages from the spill. But they said they would hold off on legal action against the federal government to give the EPA a chance to prove it will be accountable.

Also Wednesday, Colorado state health officials informed residents in Durango that they can resume using treatment facilities that draw water from the Animas.

Long before the accident, mines in the Silverton area that were first developed in the late 1800s had been releasing a steady stream of contaminated wastewater into area streams and river, leaving some of them virtually lifeless. No fish swim where the Gold King runoff flows into Cement Creek and the upper reaches of the Animas River, which in turn feeds the San Juan.

One week after the spill, the EPA said runoff had returned to its normal levels of about 213 gallons per minute. Agency cleanup crews hastily built a series of four sedimentation ponds to clean the runoff from the mine before it drains into the creek.

The agency said Wednesday that the ponds were reducing acidity and dissolved metals and that the runoff is now cleaner than it was before the spill. The ponds brimmed with yellow-tinted runoff outside the old mine, located 11,300 feet high in the Rocky Mountains.

EPA spill liaison Nat Miullo suggested the danger from the spill had diminished with the dissipation of the initial burst of tainted water. Any future spike in contaminant levels caused by stirring up sediments would be "much, much smaller in scale," he said.

But environmental regulators in downstream New Mexico warned that it was crucial to determine where the contamination settles.

"Those are some of the longer-term issues that affect humans as well as wildlife," New Mexico Environment Secretary Ryan Flynn said.

While there have been no fish or bird die-offs, Flynn said that doesn't mean the river is healthy or safe. He said more testing is needed.

The Gold King plume is already devastating to the Navajo Nation, which recently negotiated permission to pull San Juan River water through a \$20 million treatment plant it's building to provide a clean drinking resource to more of the 16,000 reservation families who still have to haul water to their homes.

Heavy metals are already present in the tribe's groundwater, and "now those same things are dumped in the river," complained Rex Kontz, deputy general manager for the Navajo Tribal Utility Authority. He estimated Wednesday that meeting EPA standards for clean drinking water could double the plant's construction costs and require them to spend millions more in operating costs each year.

"This new water coming in was the avenue to creating new development and creating long-term sustainability," Kontz said. "Now it's almost like your legs were cut out from under you."

Navajo farmers are nervously waiting for someone to announce that it's OK to irrigate their crops again. Just two weeks without water could wipe out their corn and alfalfa just before harvest, which represents an entire year's salary for some farming families.

Information for this article was contributed by Brennan Linsley, Lindsay Whitehurst, Colleen Slevin, Ivan Moreno, Susan Montoya Bryan and Brian Skoloff of The Associated Press.

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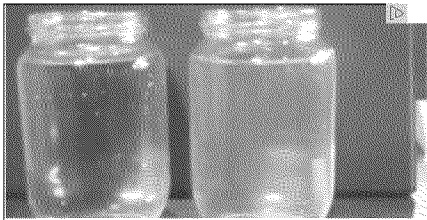
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# Navajo Nation president urges residents not to use EPA form for claims

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By [Joshua Kellogg / The Daily Times](#)  
UPDATED: Thursday, August 13, 2015 at 10:01 am  
PUBLISHED: Thursday, August 13, 2015 at 8:57 am



Caption Travis Sells, of Farmington, looks at the orange sludge from a mine spill upstream flow ing past Berg Park in Farmington Saturday, Aug. 8, 2015.

**SHIPROCK** — Navajo Nation President Russell Begaye has warned tribal residents to avoid using the U.S. Environmental Protection Agency's form for claims of damage or injury as a result of the Gold King Mine spill.

In the president's Wednesday directive Navajo Nation Attorney General Ethel Branch advised that the federal form "contains offending language that will waive future claims for individuals that sign the form and preclude our people from seeking full compensation for injuries suffered from the spill."

The memorandum directs all of the tribe's divisions to stop promoting the form unless authorized to do so by the president's office.

In a meeting Wednesday at the Shiprock Chapter house, Robert Joe, the acting chief of staff for the Office of the President and Vice President, said the president's office does not support residents filling out EPA Standard Form No. 95. The form concerns damages to property from the release last week of toxic mine waste into the Animas and San Juan rivers from Gold King Mine north of Silverton, Colo.

"We do not support it. I know the president does not support that. The EPA created the situation, they should be accountable and held responsible," Joe said in an interview after the meeting.

An EPA official could not be reached for comment late Wednesday night.

San Juan County Executive Officer Kim Carpenter spoke during a meeting at the Shiprock Chapter house and encouraged people to seek assistance. Wednesday evening after the meeting, he said he did not agree with the directive.

"When you mix politics with something like this, it doesn't mix with the people."

Navajo Nation Council Speaker LoRenzo Bates does not have a form to fill out the form, said his legislative staff assistant, Pete Ken A.

"I just want to make that clear that the speaker's of and Navajo Nation anything upon any Navajo constituents, we just want to give you as much information as we can," Atcitty said.

In a statement issued Wednesday evening, Bates said Diné citizens deserve to be compensated to the fullest extent, and the EPA must be held accountable for its negligence.

He encouraged the public to read the form thoroughly and seek further consultation to make an

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New Mexico Attorney General Hector Balderas said Wednesday afternoon that he wanted Navajo residents to seek proper legal counsel in their dispute with the EPA.

"I don't think anyone has talked about deploying proper legal resources to these rural communities," Balderas said, adding that it should be done.

He said that as attorney general, he is limited in his ability to provide legal advice.

Reporters Noel Lynn Smith and Steve Garrison contributed to the story.

Joshua Kellogg covers education for The Daily Times. He can be reached at 505-564-4627 and [jkellogg@daily-times.com](mailto:jkellogg@daily-times.com). Follow him [@jkelloggdt](#) on Twitter.

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# EPA head meets with Navajo president over Colorado mine spill

FARMINGTON, N.M. | BY ALISON URALLI

The head of the U.S. Environmental Protection agency told the Navajo Nation president on Thursday that her agency would work closely with the Native American tribe in handling a toxic waste spill into river waters from a defunct Colorado gold mine.

Navajo Nation President Russell Begaye has pledged to take legal action against the EPA, which has taken responsibility for inadvertently causing the spill last week that sent toxic waste flowing into rivers in the Four Corners region where part of the 250,000-member tribe's reservation is located.

"(The) EPA is not unfamiliar with litigation, but frankly none of that tone and tenor was in the discussion this morning," EPA Administrator Gina McCarthy said at a news conference in Farmington, New Mexico, after meeting with Begaye.

The encounter came a day after McCarthy announced the water quality of the Animas River in Colorado, which was rendered bright orange by the toxic waste spill from the abandoned Gold King Mine near Silverton, Colorado, had returned to pre-spill levels.

An EPA operation on Aug. 5 accidentally spilled more than 3 million gallons (11.3 million liters) of acid mine sludge containing heavy metals such as arsenic, mercury and lead. The torrent of waste gushed first into a stream just below the site before washing into the Animas.

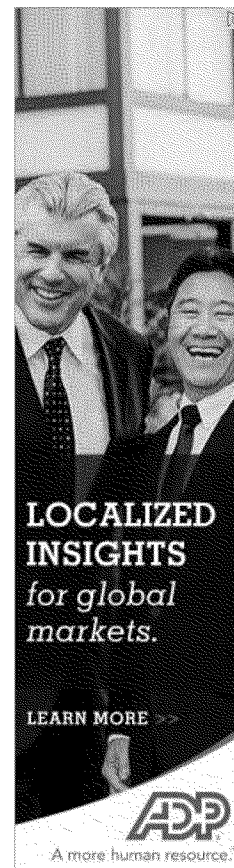
The contamination also reached New Mexico where it flowed into the San Juan River, a Colorado River tributary that winds through the Navajo reservation into Utah. Navajo communities rely on the San Juan for fishing and agriculture.

The spill led two Colorado municipalities, including Durango, and the New Mexico towns of Aztec and Farmington, to shut off their river intakes.

The governors of Colorado, New Mexico and Utah declared a state of emergency over the spill, and New Mexico's governor also suggested her administration could take legal action against the EPA.

Colorado Governor John Hickenlooper said on Wednesday the Animas appeared to have returned to normal, with no sign of lasting environmental harm.

Dilution has gradually diminished concentrations of contaminants, EPA officials have said, even as they warned that deposits of heavy metals have settled into river sediments, where they can be churned up and unleash a new wave of pollution when storms hit or rivers run at flood stage.



TRENDING ON REUTERS

"Frankly, the sediment is where the longer-term responsibility is for this agency, and we will meet that responsibility," McCarthy said.

(Additional reporting by Keith Coffman in Denver; Writing by Alex Dobuzinskis; Editing by Daniel Wallis and Peter Cooney)

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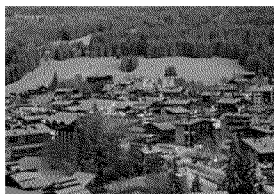
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## Plume was full of heavy metals

River's sediment now a concern

By MICHAEL BIESECKER, MATTHEW BROWN and P. SOLOMON BANDA The Associated Press  
This article was published today at 3:42 a.m. Updated today at 3:42 a.m.



PHOTO BY AP / MATT YORK  
Richard Charley, right, and Melvin Jones deliver water to a ranch along the San Juan River on the Navajo Reservation, Wednesday, Aug. 12, 2015, in Shiprock, NM.

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SILVERTON, Colo. -- The U.S. Environmental Protection Agency announced Thursday that surface-water testing revealed very high levels of lead, arsenic, cadmium and other heavy metals as a sickly-yellow plume of mine waste flowed through Colorado.

In the hours after the Aug. 5 spill -- which sent 3 million gallons of wastewater through three Western states and the Navajo Nation -- amounts of the metals far exceeded government exposure limits for aquatic life and humans.

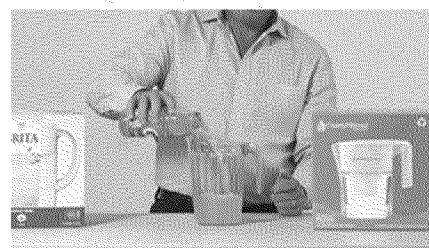
The EPA, which released the results Thursday afternoon, said its analysis shows the heavy metals quickly returned to "pre-event levels" once the plume passed through the area it tested, on the Animas River between Silverton and the downstream municipal water intake for Durango.

The Gold King mine, which was abandoned in 1923, had been slowly leaking toxic water for decades before an EPA crew accidentally unleashed a torrent of waste during an Aug. 5 inspection.

EPA Administrator Gina McCarthy has taken full responsibility and promised that the agency will pay for any damage.

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The agency tested for 24 metals at the river's surface. One of the most dangerous, lead, was found below the 14th Street bridge in Silverton at more than 200 times higher than the acute exposure limit for aquatic life, and 3,580 times higher than federal standards for human drinking water.

Levels of arsenic were more than 24 times the exposure limit for fish and 823 times the level for human ingestion. Cadmium was found at more than six times the aquatic limit, 33 times that for humans.

The 100-mile-long plume has since dissipated, its heavy metals settling into riverbeds, during the waste's 300-mile journey toward Lake Powell, where the flow joins the Colorado River that supplies water to the Southwest.

McCarthy said Thursday that these results show the river is "restoring itself."

She spoke during a visit to Farmington, N.M., where she announced that the EPA has released \$500,000 to help supply clean water for crop irrigation and livestock in northwestern New Mexico.

McCarthy acknowledged the concerns of state, local and tribal officials about the heavy metals now trapped in the riverbed and along the banks, and promised to deal with the sediment problem over the long term, but offered no specifics.

Outside experts are warning of the potential for continued risk to both wildlife and humans for many years to come as the toxic metals settle into river bottoms and seep into groundwater.

"Heavy rains or flash floods could release any lingering contaminated sediments now trapped in the Animas River bed," said Marco Kaltofen, a Boston-based civil engineer who specializes in water pollution.

Over the long term, these metals can seep into the surrounding water table, potentially polluting drinking wells. The EPA has offered free water testing for homeowners with wells close to the river, but it's unclear how long that offer stands.

Attorneys general from Colorado, New Mexico and Utah vowed to ensure citizens and cities are compensated, even if the full impact isn't understood for many years.

"We have to be vigilant as attorneys general, as the lawyers for the state, as protectors of the environment, to be sure that the assurances that we received today from the Environmental Protection Agency are the same in two years, in five years, even 10 years when we discover what the damage to the environment actually is," said Colorado Attorney General, Cynthia Coffman.

Meanwhile, New Mexico's environment secretary criticized Colorado's governor for drinking water from the river contaminated by a mine spill.

Gov. John Hickenlooper put an iodine tablet in a bottle of Animas River water to kill bacteria before taking a gulp Tuesday. He was trying to prove the river was back to normal.

*The (Farmington) Daily Times* reported that state Environmental Department Secretary Ryan Flynn told residents there Wednesday night that the move was irresponsible and sent a bad message. He said Hickenlooper may as well have lit 15 cigarettes at once.

Colorado is allowing treatment plants to use river water again, but the Animas remains closed to boating.

Gold King is one of a cluster of old mines sending pollution downhill from tunnels dug 11,000 feet high in Colorado's San Juan Mountains. Heavy metals occur naturally in the Rocky Mountains; they get released when water enters mines, either through mining operations or from snow and rain. Chemical reactions create sulfuric acid that dissolves heavy metals into the water, creating a toxic mess.

There are hundreds of thousands of abandoned mines nationwide. McCarthy ordered EPA crews to cease field investigations of these mines while the spill is investigated.

According to the New Mexico Environment Department, tests done four days after the spill on the surface of the Animas River as it flows into the Navajo Nation showed safe levels of everything but lead, which will be removed through water treatment before human consumption.

Navajo President Russell Begaye said EPA officials were urging tribal members to sign claim forms at public hearings, but he advised waiting to make sure they're not waiving rights to make future claims. The EPA said claims must be submitted within two years, even though it may take much longer to learn the extent of the damage.

Information for this article was contributed by Lindsay Whitehurst, Colleen Slevin, Ivan Moreno,

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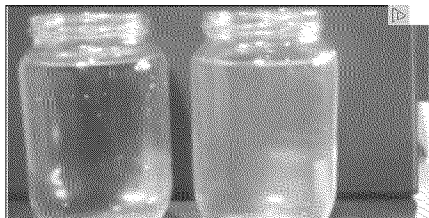
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# River disaster a long time in the making

From the newspaper Guest Columns Journal North Journal North Opinion Opinion

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By [Allen Best / Writers On The Range](#)  
PUBLISHED: Friday, August 14, 2015 at 12:02 am

The mustard-colored water flowing down the Animas River in southwestern Colorado is a painful reminder of the lengthy gestation time of environmental disasters.

The ugly surge was unleashed last week by an EPA contractor, which unwittingly breached a dike that allowed contaminated water from the Gold King Mine to flood into Cement Creek, a tributary of the Animas River. Images from the polluted river as it flowed downstream through the town of Durango were appalling and the story became a media sensation.

But the disaster actually had its start almost 130 years ago. Located seven miles north of Silverton at an elevation of 11,400 feet, the Gold King was among several big mines and mills clustered around a company town called Gladstone. The Gold King had a brief but productive life.

The mine was staked in 1886 and the vein that made it a bonanza was discovered in 1896. By the time the mine was shuttered in 1922, it had produced \$8 million in ore, more than a tenth of all production in San Juan County, according to "The Rainbow Route," a railroad and mining history.

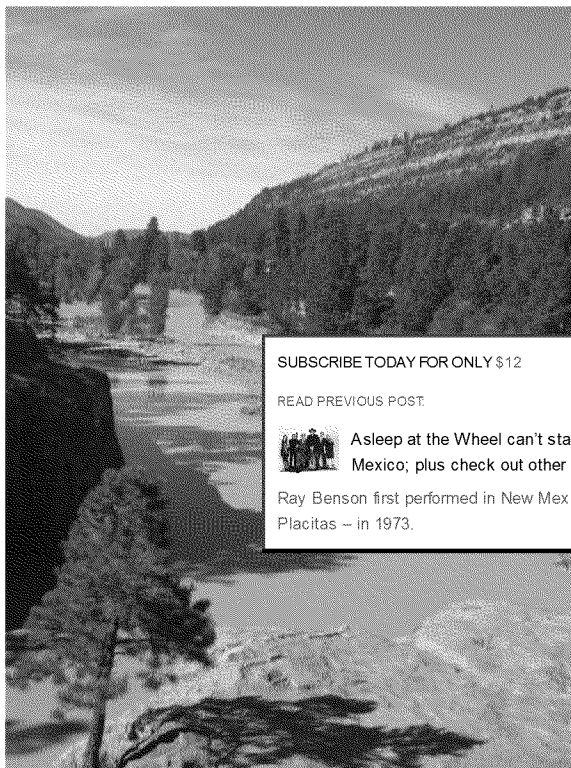
A bonanza to owners, the mine was deadly to workers. Six people died when carbon dioxide was drawn into it by a fire at the nearby boardinghouse. Another five died in an avalanche, reports Scott Fetchenhier, a local historian and San Juan County commissioner.

Mining can be hazardous to people living downstream, too. In the 1930s, farmers along Clear Creek, northwest of Denver, complained bitterly that gold mining upstream at Central City and Blackhawk was polluting their irrigation water and withering their crops.

Eventually, state and federal laws were enacted to curb pollution from mines, but we've continued to cut corners in our enforcement. After a century of mining ended there in 1979, continuing pollution from the Eagle Mine, located a few miles from Vail, Colo., left people uncertain whether it was safe to eat fish caught in the Eagle River. The mining company and Colorado regulators reached a settlement and decided to seal the mine.

The experts assumed that this would prevent its tainted water from flowing into the rivers, but the experts were wrong. By early 1990, the Eagle River looked like yellow Kool-Aid and the fish had vanished.


Belatedly, the Environmental Protection Agency was called in, and \$100 million and years of work later, the pollution was mostly cleaned up. "Mostly," because heavy metals must continue to be removed from that water before it gets into the river. In the 1990s, that effort cost \$1 million a year. It's



This photo from the La Plata County, Colo., website shows mine pollution released into the Animas River from a location above Silverton, Colo. The photo was taken at a spot north of Durango, Colo. (Farmington Daily Times)

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a job that will have to be done in perpetuity.

The continuing cost of the Eagle River cleanup is being borne privately by a corporate conglomerate. Not so the \$155 million cleanup at Summitville, an open-pit mine in southern Colorado, where cyanide was used to extract gold from low-grade ore. After the mess became public, Galactic Resources filed for bankruptcy in 1992.

Since 1995, the nonprofit Animas River Stakeholders Group has been working to address these so-called legacy problems. But the group has been thwarted by the absence of supportive federal legislation. Independent groups just can't afford to touch problems like the Gold King, because, if an accident happened, they would "own the damages," as Ken Neubecker of the nonprofit American Rivers puts it. He says environmentalists also worry that Good Samaritan legislation would just make it easier for big mining corporations to skip out on their responsibilities – which is exactly what happened at Summitville.

The larger lesson derived from the continuing pollution afflicting Silverton and Durango is that mining doesn't belong in headwaters areas, says Matt Rice, director of the Colorado River Basin program for American Rivers. He cites the danger of a copper-mining proposal for the Smith River in Montana.

"Eventually, inevitably, the (contaminated) water will make it back to the river, whether it's by catastrophic accident or a natural event," he warns.

Still, let's not blame the miners of 100 years ago. Some of us have friends whose parents and grandparents worked at the mines high in the mountains near Silverton and Vail. Their lives were hard and we respect their memory.

But, today, we know better. Of course, we also know better than to pollute the atmosphere with reckless abandon, creating a bigger, denser greenhouse around the planet. Yet we keep doing it because people complain that it would cost too much to change the way we live. But who isn't wondering right now: What would have cost us more in the end, having to clean up mines in perpetuity, or preventing them from polluting in the first place?

*Allen Best is a contributor to Writers on the Range, a column service of High Country News ([hcn.org](http://hcn.org)). He lives in the Denver area where he produces an online magazine, [mountaintownnews.net](http://mountaintownnews.net).*



Allen Best.

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## Readers React

Letters to the editor and readers' opinions.

# Readers React Don't trust the EPA on the Animas River spill

AUGUST 13, 2015, 9:25 AM

**T**o the editor: The U.S. Environmental Protection Agency's words of reassurance and comfort after the Colorado mine spill into the Animas and San Juan rivers should not be trusted. Those placating words do not have the historical ring of truth. ("States downstream from contaminated river upset that EPA didn't alert them," Aug. 11)

I've long noticed that in the wake of any accidental spill or contamination — be it British Petroleum oil in the Gulf of Mexico or the nuclear disaster in Fukushima, Japan — authorities, at least initially, downplay the danger and potential long-lasting damage from the accident.

We are predictably told not to worry our pretty little heads about the seriousness of the contamination. It's only later that the appalling truth becomes apparent: that the toxic slop left behind is, in fact, a major problem, cleanup costs continue to skyrocket and formerly life-giving water becomes life-taking water devoid of aquatic life and a danger to all.

*Linda Nicholes, Huntington Beach*

..

To the editor: I hope this puts the final nail in the coffin of the proposed Pebble Mine above Bristol Bay in Alaska that would impound untold millions of tons of toxic waste just above one of the richest fisheries on Earth. Same for several new mines proposed at the headwaters of some of the most important salmon rivers in British Columbia.

If this spill derails those projects, that is the only silver lining to this fiasco.

My heart breaks for the Animas River and all the people and animals dependent on it. Of course, mining waste has come down this river many times before.

I have taken the steam train along the river several times and always noticed that not only did the river seem unnaturally blue but that all of the rocks along the banks are stained with the same

bright yellow color as the toxic sludge going down the river now. Point being, it may have supported trout recently, but you couldn't get me to drink out of it even before this happened.

*Crista Worthy, Boise, Ida.*

..

To the editor: Rio de Las Animas de Perdidas is the full name of the river contaminated in Colorado. The River of Lost Souls flows past my childhood home in Aztec, N.M.

How many fish, birds and other wildlife, livestock, pets and people will be lost now? Has the soul of the river been lost forever?

EPA Regional Administrator Shaun McGrath said, "I want to come clean here." That was a bad choice of words. He can come clean, but will the river ever become clean?

*Katy Scott Moss, Laguna Beach*

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# EPA: Water quality returning to normal after Colo. spill

Hannah Grover and Noel Lyn Smith, The (Farmington, N.M.) Daily Times 5:23 a.m. EDT August 14, 2015

The water in the Animas River in Durango, Colorado is on the mend, according to the state health department and the EPA. Authorities are so confident the water is improving, they gave Durango the go-ahead to begin pulling water for customer use. kusa



(Photo: Steve Lewis, AP)

FARMINGTON, N.M. — Water quality tests on the Animas River in Colorado indicate heavy metal levels are returning to normal ([http://www.daily-times.com/ci\\_28634439](http://www.daily-times.com/ci_28634439)) after a spill last week released 3 million gallons of contaminated mine wastewater into the river, officials said.

The Environmental Protection Agency samples were analyzed for 24 different metals commonly found in mine waste, including arsenic, cadmium, lead and mercury.

The EPA has not yet released information from tests done in New Mexico.

City of Farmington tests on Animas River water that were released Wednesday showed lead levels slightly above what is considered safe for drinking water. Those tests also showed levels of secondary metals, including manganese and iron, that were above the New Mexico safe-water standards. Other than lead and secondary metal contaminants, which mainly affect taste and color, everything was within the standards, officials said.



Environmental Protection Agency contractors prepare samples for shipping to an off-site EPA certified lab at an EPA Region 6 field office Wednesday, Aug. 12, 2015, in Farmington, N.M. (Photo: Jon Austria, AP)

But city officials stressed Thursday that the testing was on river water and the city's drinking water has not been affected and is safe to drink.

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater on Aug. 5 as they inspected the idled Gold King Mine near Silverton, Colo. The toxic plume affected communities in Colorado, New Mexico and Utah.

Test results from an area just south of Silverton show spikes in arsenic, copper, zinc, manganese and cadmium starting Aug. 5, according to graphs provided by the EPA. The graphs also show spikes in copper, zinc and manganese near Baker's Bridge north of Durango, Colo., when the plume moved through the area.

Other metals targeted by the EPA tests include magnesium, potassium, aluminum, sodium, calcium, iron, beryllium, antimony, chromium, molybdenum, cobalt, barium, thallium, nickel, selenium, silver and vanadium.



USATODAY

EPA chief: 'We will be fully accountable' for toxic spill

(<http://www.usatoday.com/story/news/nation/2015/08/12/epa-chief-we-fully-accountable-toxic-spill/31555403/>)

In a news conference Thursday in Farmington, EPA Administrator Gina McCarthy said the agency hopes results from testing on the Animas River in New Mexico will be released soon.

"We continue to see good news there, but I don't want to pre-judge that," she said. "That is science that needs to continue. We want to make sure that all that data is quality controlled, that we put it in a context that people can understand."

Results released Wednesday indicated water in the Animas River in La Plata County, Colo., has returned to pre-incident conditions.

"It gives us a sense that we are on a different trajectory than we were before, but clearly we need to continue to work not just short term to look at every segment of the river moving forward," McCarthy said.

She said the federal agency will continue working with local communities to accomplish that goal.

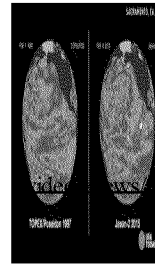
McCarthy also met with Navajo Nation President Russell Begaye and other tribal officials Thursday and said the agency remains committed to assisting the tribe.

Elsewhere, Utah officials said that contaminated water from a mine spill has likely reached Lake Powell, but the plume is no longer visible and authorities haven't confirmed the presence of heavy metals in the waters of the reservoir.

*Contributing: The Associated Press*

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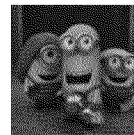
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## Animas River spill: Hurdles remain at Gold King

EPA says it needs to get as much work done at the Gold King Mine as it can before winter

By Bruce Finley and Jesse Paul

*The Denver Post* (<mailto:bfinley@denverpost.com?subject=The Denver Post:> )

POSTED: 08/14/2015 12:01:00 AM MDT | UPDATED: ABOUT 6 HOURS AGO

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Sally Zabriskie disturbs the bottom of the Animas River on August 12, 2015 at Santa Rita Park. The river is flowing in poor conditions. "said EPA Administrator Gina McCarthy during a press conference in the afternoon. The Animas ...

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SILVERTON — Orange wastewater cascaded from the Gold King Mine on Thursday as heavy machinery echoed, digging a new waste pond.

Workers tossed chemicals into four existing ponds lined with plastic while Environmental Protection Agency responders walked around the cleanup site, now complete with portable toilets, a command post and pickup trucks moving in and out.

The EPA has yet to release its work order detailing precautions the crew was to take before the Aug. 5 spill. But other documents reviewed by The Denver Post show the EPA was acting on a growing awareness that state-backed work done from 1998 to 2002 on mines around Gold King had led to worsening contamination of Animas River headwaters.

The EPA was acting at Gold King after what, in an October document, the agency deemed a "time critical" effort to try to contain the increased toxic leakage — with elevated cadmium at 35 parts per billion, lead at 60 ppb and zinc at 16,000 ppb — from the nearby Red and Bonita Mine.

The state-backed work included plugging old mines with bulkheads, which state officials had allowed in a legal consent agreement with the owners of the Sunnyside Mine. The Sunnyside was one of Colorado's largest underground mines before it closed in 1991.

Before it was plugged, flows from the Sunnyside were reported to be approximately 1,700 gallons per minute. That wastewater had backed up into other mines, causing worse toxic discharges. According to an EPA document, water quality in the Animas River had "degraded progressively since that time."

EPA supervisor Hays Griswold, at the scene of the blowout Aug. 5, provided some details of what happened when his crew triggered a 3 million-gallon deluge of acidic wastewater laced with heavy metals.

The plan they had "couldn't have worked," Griswold said in a Denver Post interview. "Nobody expected (the acid water backed up in the mine) to be that high."

A government work order typically addresses details of a job including procedures and precautions to be taken to minimize risks and avoid disasters.

Griswold said the crew was working at Gold King after looking at other nearby mines, to understand how to drain Gold King using a pipe. The mine's opening was blocked by loose dirt and rock.

It was unclear whether a drainage pipe already was in place.

San Juan Corp. president Todd Hennis, who bought the Gold King in 2005 and said he has looked at but never touched the portal of the mine, was aware of EPA intervention at the site.

Hennis said EPA crews began work last year on Gold King for fear it was filling up with acidic wastewater and had covered the main portal (elevation 11,458 feet) with dirt.

"Last year, they piled a large amount of dirt on the portal to prevent a blowout during the winter," Hennis said, "figuring they would come back (in 2015) and re-open it."

EPA-run crews had begun to install waste ponds at the nearby Red and Bonita Mine to try to trap toxic contaminants before they reached Cement Creek, where fish have disappeared.

Griswold said his crew's main intention last week was to work on the Red and Bonita Mine and that they had just gone to investigate the Gold King.

They started to dig away the dirt at the Gold King portal, where, Griswold said, weak rock around the portal had been collapsing.

"We were just investigating where we could put the pipe. We'd been digging out the debris, clearing the area out," he said, noting they were using a backhoe.

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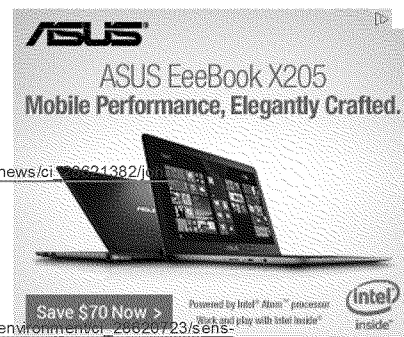
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"We had found the hard rock I wanted to find overhead," he said. They stopped for a moment, shortly before 10:30 a.m.

"And all of a sudden, there was a little spurt from the top."

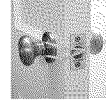
And then the mine blew.

"All that was holding it back was the dirt. The dirt just wasn't going to

- New Mexico officials offer to test well water in Animas River spill's wake (<http://www.denverpost.com/new-mexico-officials-offer-test-well-water-animas?source=pkg>)



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A worker pours a mixture used to take the sediments out of the water and reduce acidity of one of the retention ponds at the bottom of Gold King Mine on Thursday at Gladstone town site. (Brent Lewis, The Denver Post)

hold," Griswold said.

When a Durango resident last week asked for the work order, EPA chiefs acknowledged it was not accessible and said they would make it available. The Denver Post has been asking repeatedly for the work order. But despite promises, the EPA has not released it.

Colorado's director of abandoned mines reclamation work, Bruce Stover, said he was not at Gold King at the time of the blowout but recently looked at mines in the area in a technical support role to the EPA.

"We are trying to figure out what is going on and how to fix it. It is a vexing problem. ... Someday, there may be a water treatment plant up there. ... It's just a very difficult, complicated problem. We are trying to find out what the solution is. Not everybody is on the same page," Stover said.

"The whole idea was to get it to where we can contain it."

Griswold said Thursday the cleanup crews need to work quickly before winter, when avalanches, freezing temperatures and an eventual spring snowmelt could complicate their work.

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